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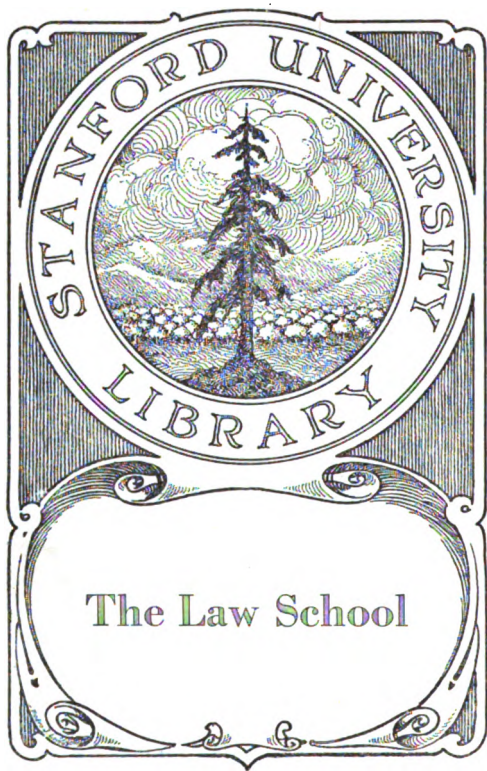
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PUBLIC ACTS
OF THE
STATE OF CONNECTICUT,
PASSED
MAY SESSION, 1865.



PUBLIC ACTS,
PASSED BY THE GENERAL ASSEMBLY

OF THE

State of Connecticut,

MAY SESSION, 1865.



STATE OF CONNECTICUT,

OFFICE OF THE SECRETARY OF STATE, JULY, 1865.

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PUBLIC ACTS.

CHAPTER I.

An Act in addition to "An Act relating to Civil Actions."

Be it enacted by the Senate and House of Representatives in General Assembly convened :

That all cases brought by a soldier or his wife, or his legal representative, to recover any bounty due to him or his family, shall be tried at the term of the superior court next succeeding that to which said case is appealed or made returnable.

Actions to recover bounty, when to be tried.

Approved, May 26th, 1865.

CHAPTER II.

An Act in addition to "An Act concerning Communities and Corporations."

Be it enacted by the Senate and House of Representatives in General Assembly convened :

That all real or personal estate, which has been, or shall be, given or granted to any community or association duly organized according to the provisions of the one hundred and ninetieth section of the "Act concerning Communities and Corporations," for the maintenance of any monument, or the keeping in good order, or the embellishment of, any lot or grounds, situated within the enclosure of such association, shall remain forever to the

Estate given or granted to burial associations to remain to the uses specified by the grantor.

uses to which it has been, or shall be, given or granted, according to the true intent of the grantor, and to no other use whatever.

Approved, May 26th, 1865.

CHAPTER III.

An Act in addition to "An Act for the regulation of Civil Actions."

Be it enacted by the Senate and House of Representatives in General Assembly convened :

Stay of execution to be excluded from computation of continuance of lien of attachment.

SEC. 1. That whenever a stay of execution has been, or shall be, granted in any cause wherein the estate of the defendant, or defendants, may have been attached, the time during which such stay of execution shall continue, so as to prevent the levying or proceeding with the levy thereof, shall be excluded from the computation, in determining the continuance of the lien created by such attachment.

SEC. 2. This act shall take effect from and after its passage.

Approved, May 26th, 1865.

CHAPTER IV.

An Act in addition to an Act entitled "An Act concerning Communities and Corporations."

Be it enacted by the Senate and House of Representatives in General Assembly convened :

Notices of town and electors' meetings may be written or printed.

That all notifications of town and electors' meetings may be in writing, or printed.

Approved, May 26th, 1865.

CHAPTER V.

An Act authorizing School Districts to borrow money for School purposes.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

SEC. 1. That the several school districts in this state are hereby empowered to borrow money, for any purpose for which they are now authorized to lay a tax. School districts authorized to borrow money.

SEC. 2. This act shall take effect from its passage.

Approved, May 31st, 1865.

CHAPTER VI.

An Act with regard to Foreign Attachment.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

That in all cases in which a garnishee in a process of foreign attachment shall not have been cited in to disclose in the original process, the court in which the suit is pending may, at any time during its pendency, upon the motion of the plaintiff in the suit, issue a citation to such garnishee to appear and disclose. Garnishee may be cited in, by the court, at any time during pendency of the suit.

Approved, June 9th, 1865.

CHAPTER VII.

An Act with regard to Auditors and Committees in Chancery.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

That in any case in which an auditor or auditors, or a committee in chancery shall have been appointed by the superior court, and such auditor or one of such au- Any judge of the superior court may appoint an auditor or com-

mittee in chance-
ry to fill a va-
cancy.

ditors, or any member of such committee shall die before the case has been heard and reported, or shall be unable or shall refuse to act, and the court before which the suit is pending shall not be in session, any judge of the superior court may appoint another person in his place, as such auditor or member of such committee, upon the application of either party to such suit, and reasonable notice to the adverse party.

Approved, June 9th, 1865.

CHAPTER VIII.

An Act in addition to an Act entitled "An Act for the regulation of Civil Actions."

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Where property
attached exceeds
the amount of
plaintiff's claim,
a judge of super-
ior court may
release a portion
thereof.

Plaintiff to state
his claim under
oath.

Costs.

SEC. 1. In every action for the recovery of any debt which has been or shall be brought to the superior court of this state, and in which property has been attached, said court, or in vacation, any judge thereof, shall, on application of the defendant or defendants or their attorney, cite the plaintiff or plaintiffs, if residents of the county in which said action is pending, and if the plaintiff or plaintiffs, or either of them, are not residents of said county, then the plaintiff or plaintiffs or their attorney, to appear forthwith before said court, or said judge, as the case may be, then and there to state, under oath, the amount of the plaintiffs' claim, and that he or they verily believe the same is justly due, and, if said court or judge shall require, to furnish a bill of particulars of said claim; and if said court or judge shall find that the property attached so far exceeds in value the amount of the plaintiffs' claim, as to render the attachment oppressive and vexatious, then said court or judge shall order the release of such portion of the property attached, as is not required to secure the payment of the plaintiffs' claim and costs; and the plaintiff or plaintiffs shall pay the costs of said citation and finding: but if said attachment be not released in whole or in part, then the defendant or defendants shall pay to the plaintiff or plaintiffs the costs of the same.

SEC. 2. If the plaintiff or plaintiffs, or their attorney, shall neglect or refuse to appear before said court or judge, when cited as aforesaid, and said court or judge shall be satisfied they do not intend to appear, then said court or judge shall order said attachment to be dissolved. Judge may dissolve attachment when plaintiff fails to appear.

Approved, June 9th, 1865.

CHAPTER IX.

An Act for the Election of Trustees of, Methodist Episcopal Churches in this State.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

SEC. 1. The trustees of any Methodist Episcopal Church in this state, shall hereafter be elected by ballot by the male members of said church of legal age. Trustees of Meth. Episc. Church, how elected.

SEC. 2. The election of said trustees shall be on the first Monday of September of each year, at the usual place of worship of said church, of which public notice shall be given from the pulpit thereof, at least two Sab- Time of election.
baths preceding, or by posting notice thereof by the clerk of the board of trustees, on the door of the place of worship, at least fifteen days next preceding the time of election. The polls of such election shall be open at least one hour after the time designated in the notice thereof; and in case of failure to elect on the day named in this section, the election may be held on any subsequent day of the same month by giving legal notice thereof. Trustees shall hold their office until others are elected. In case a vacancy should occur by death, resignation or otherwise, said vacancy may be filled at any special meeting called for that purpose by giving the notice provided in this section. Notice, how to be given.
Polls, when to be open.
Vacancies in board of trustees, how filled.

SEC. 3. At each election there shall be appointed by the electors present, a chairman and clerk, who shall act jointly as inspectors of election, and who shall receive and count the votes for said trustees and certify under oath who have received the majority of the votes, which certificate shall be deposited with and kept on file by the town clerk. Inspectors of election.
Certificate.

Number of trustees, how determined.

SEC. 4. The number of trustees shall in no case be more than nine, nor less than three, which shall be decided by a majority of the electors at the first election and before the votes for trustees are cast, and the number shall remain the same unless changed by two-thirds present and voting at any subsequent election.

Term of office of trustees.

SEC. 5. At the first election the inspectors shall determine by lot, and as near as practicable in equal numbers, who, of those elected shall serve for one, two, or three years, and each election thereafter shall elect for three years to fill the vacancy of those whose term of office has expired. The same trustees may, however, be reelected.

Officers, to be chosen.

SEC. 6. At their first meeting after each election the trustees shall from their number elect a president, a treasurer and a clerk, and shall meet thereafter at such times as they may designate, make their own by-laws and keep faithful records of their action, signed by the clerk. And said trustees shall be a legal corporation in trust, to receive, buy, hold, preserve and sell and convey for the benefit of said church, according to the discipline and usages of the Methodist Episcopal Church in the United States, any lands, church buildings, houses or other property, and shall be capable in law and equity of suing or being sued.

Trustees invested with corporate powers.

Confirming former elections of trustees.

SEC. 7. The election of trustees of any Methodist Episcopal Church in this state, elected according to the discipline and usages of said church, or by the members thereof, previous to the passage of this act, is hereby declared valid in law.

Approved, June 9th, 1865.

CHAPTER X.

An Act to encourage the Importation of Laborers.

Be it enacted by the Senate and House of Representatives in General Assembly convened :

Contracts made by emigrants, pledging their wages, in certain

SEC. 1. That all contracts entered into, in any foreign country, by which any person emigrating to this country shall agree to labor in this state for any person

or corporation that shall advance, in whole or in part, the expences of his emigration and of his transportation to his place of employment, and shall pledge the wages of his labor for the repayment of such advances, by an application thereto of a part, not exceeding one-half, of his weekly or monthly wages, shall be valid and binding to the same extent and in the same manner as if made within this state. And any such contract made by any minor under the age of twenty-one years, but of the age of seventeen years or over, shall be binding upon him in the same manner as if he was of full age; *provided*, that the assent of the father, or, if he have no father, of the mother, of such minor, shall be given to such contract, and certified thereon, in all cases where such minor shall have a father or mother, and shall be living at the time with such father or mother. And any such contract made by any married woman, shall be binding on her in the same manner as if she were a *feme sole*; *provided*, that the assent of her husband, if she be living with him, shall be given to such contract and certified thereon; *and provided also*, that the husband shall not be personally liable thereon, unless he expressly so agrees. And all contracts entered into by immigrants after their arrival in this country, by which they shall, in the same manner pledge the wages of their labor to repay the expences of their transportation to place of employment within this state, shall be valid and binding in the same manner.

cases, shall be valid.

Contracts made by minors,—

And by married women, shall be binding, when.

SEC. 2. If any immigrant, who shall by any such contract have pledged the wages of his labor for the expences of his emigration or transportation, shall fail to enter into the service of the person or corporation so advancing such expences, or shall, without the consent of such employer, leave such service before he shall have repaid the full amount so advanced for him, the amount so due to such employer shall constitute a lien upon all the wages of such immigrant, wherever earned, or from whomsoever due, until the same be repaid. *Provided*, that no person employing such immigrant shall be affected by such lien until he has received written notice of the same from such employer, and any payment made before such notice shall be valid. And where any immigrant, so breaking his contract, shall enter into the service of any other employer, such new employer, on receiving written notice from the original employer, shall be bound,

Advances made for expences shall constitute a lien on the wages of immigrants failing to fulfil their contract.

Employers shall not be affected without written notice.

if he shall elect to retain such laborer, to pay to such original employer the amount so due him from such laborer, and shall have the right to charge the same to such laborer, and deduct the amount from his wages. And such new employer shall have the same rights and remedies, with regard to the amount so paid by him, which are given by this act to the original employer.

How lien upon wages, or advances, may be recovered.

SEC. 3. Where any employer shall have established a lien upon the wages of any immigrant so leaving his service, or shall have become entitled to the repayment of his advances by any new employer of such immigrant, under the last preceding section of this statute, the amount so due may be recovered by an action founded on this statute. And in such action notice shall be given, either at the time of the service of the writ, or afterwards, by order of the court, to such immigrant, if he shall reside within the State, and his place of abode shall be known, and he shall have a right to appear and defend in the suit.

Employers in other States may enforce contracts in this State, when.

SEC. 4. Where any other State of the United States has passed, or shall pass an act of the same general character and for the same general purposes as this act, and any immigrant, bound to an employer in such State for the repayment of the expences of his emigration or transportation by his labor, under a contract valid in such State, shall leave the service of such employer, in violation of his contract, before such advances are repaid, such employer shall have the same lien within this State, and the same rights and remedies for the enforcement of the same, and for the recovery of such advances, that are given by this act to employers residing in this State.

Approved, June 9th, 1865.

CHAPTER XI.

An Act authorizing the Town of New Haven to issue Bonds.

Be it enacted by the Senate and House of Representatives in General Assembly convened :

Town of New Haven authorized to issue bonds.

SEC. 1. The town of New Haven is hereby authorized to issue, and to dispose of, as said town may see fit, at any time or times, its bonds or other obligations, with

or without coupons attached, payable at such time or times, and at such rate of interest not exceeding six per cent. per annum, payable annually or semi-annually, and authenticated in such manner as said town shall determine. *Provided, however,* that no bond or other obligation shall be issued under the authority of this act, except in pursuance of a vote or votes of said town, passed at a meeting or meetings of said town, to be duly warned and held for that purpose; *and provided further,* that said town shall not sell or dispose of any such bond or obligation at less than the par value thereof; *and provided further,* that the total amount of bonds and obligations to be issued under the authority of this act shall not exceed the sum of one hundred and fifty thousand dollars. Proviso.

SEC. 2. This act shall take effect from its passage.
Approved, June 9th, 1865.

CHAPTER XII.

An Act concerning Insane or Demented Persons.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

SEC. 1. Whenever any person tried on any criminal charge shall be acquitted on the ground of insanity or dementia, the court before which the trial shall be had may, if said court shall deem it proper, order such person to be confined in the common jail for such time as said court shall direct, unless some person shall undertake before said court and give bond to the treasurer of the state, conditioned to confine such person so acquitted in such manner as such court shall direct, and said court shall appoint an overseer to such insane and demented person, if he have any estate, and such overseer shall have the same powers and be charged with the same duties and liabilities, as overseers appointed by justices of the peace now have and are; and said overseer shall be charged with the maintainance of such insane or demented person during his confinement, or till his

Originals acquitted on the ground of insanity or dementia, may be confined in jail, at the discretion of the court.

Proviso.

Court to appoint overseer, when insane person has estate.

Powers and duties of overseers

estate is exhausted. If said insane or demented person have no estate, he shall be supported by the town to which he belongs.

SEC. 2. Such insane or demented person may apply by petition to the superior court of the county in which he is confined, for his enlargement, which petition shall be served on the selectmen of the town to which he belongs, in the manner prescribed by law, and said court shall order and decree with regard to the disposal of the person so confined as to said court shall seem proper and reasonable. This act shall take effect from and after its passage.

Approved, June 22d, 1865.

CHAPTER XIII.

An Act in alteration of an Act entitled "An Act concerning the Domestic Relations."

Be it enacted by the Senate and House of Representatives in General Assembly convened :

Who may join persons in marriage.

SEC. 1. The judges of the supreme court of errors, judges of the superior court, justices of the peace, ordained ministers, so long as they continue in the work of the ministry, and any clergyman regularly licensed according to the forms and usages of the denomination to which he belongs, and located in any society in this state upon an engagement to continue as minister of such society for a term of time not less than six months, and having charge thereof, may join persons in marriage; and all marriages attempted to be celebrated by any other person shall be void. *Provided*, that all marriages which shall be solemnized according to the forms and usages of any religious denomination in this State, shall be valid.

Repeal.

SEC. 2. The second section of Chapter I, Title VII, of the Compilation of 1854, of the Statutes of this State, is hereby repealed.

SEC. 3. This act shall take effect from the date of its passage.

Approved, June 22d, 1865.

CHAPTER XIV.

An Act relating to Compromises or Compositions by Partners and Joint Debtors.

Be it enacted by the Senate and House of Representatives in General Assembly convened :

SEC. 1. That whenever any co-partnership firm shall be dissolved, by mutual consent or otherwise, any one or more of the individuals who was or were embraced in such co-partnership firm, may make a separate composition or compromise with any one or all of the creditors of such co-partnership firm; and any such composition or compromise shall be a full and effectual discharge to the debtor or debtors making the same, and to him or them only, of and from all and every liability to the creditor or creditors with whom the same is made or incurred, by reason of his or their connection with such co-partnership firm.

After dissolution of partnership any member of the firm may make a separate compromise with creditors.

To be a full and effectual discharge of his liability.

SEC. 2. Every such debtor or debtors, making such composition or compromise, shall take from the creditor or creditors with whom he or they make the same, a note or memorandum in writing, exonerating him or them from all and every individual liability incurred by reason of such connection with such co-partnership firm, which note or memorandum may be given in evidence by such debtor or debtors under the general issue in bar of such creditors' right of recovery against him or them.

Such discharge shall be in writing.

May be given in evidence.

SEC. 3. Such compromise or composition with an individual member of a firm shall not be so construed as to discharge the other co-partners, nor shall it impair the right of the creditors to proceed at law or in equity against the members of such co-partnership firm who have not been discharged; and the member or members of such co-partnership firm, so proceeded against, shall be permitted to set off any demand against said creditor or creditors, which could have been set off had such suit been brought against all the individuals composing such firm; nor shall such compromise or discharge of an individual of a firm, prevent the other members of such firm from availing themselves of any defence at law or equity that would have been available if this act was not passed, except that they shall not set up the dis-

Shall not discharge the other co-partners, nor impair the rights of the creditors against them.

Other members of the firm may avail themselves of any defence at law or equity.

Proviso.

charge of one individual as a discharge of the other co-partners, unless it shall appear that all were intended to be discharged.

The legal obligations of the co-partners to each other not affected.

Proviso.

SEC. 4. Such compromise or composition of an individual of a firm with a creditor of such firm, shall in no way affect the legal obligations of the co-partners, each to the other, but they shall remain liable to account for the affairs of their co-partnership in the same manner as if this act had not been passed. *Provided*, that any individual of a firm who may compromise or compound with a creditor thereof, shall be allowed, in accounting with his co-partners, such sum as he shall have paid to such creditor.

The provisions of this act extended to joint debtors, &c.

SEC. 5. The provisions of this act with reference to co-partners, shall extend to joint debtors, who are authorized individually to compound or compromise for their joint indebtedness, with like effect, in reference to creditors and to joint debtors of the individuals so compounding or compromising, as is provided in this act in reference to co-partners.

Approved, June 22d, 1865.

CHAPTER XV.

An Act in addition to "An Act concerning Lands."

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Providing, where a deed or conveyance of land, situated in two or more towns, has been lost, a certified copy of the same may be recorded.

That whenever any deed or other conveyance of real estate, situate in two or more towns in this state, shall have been lost or destroyed after the same has been legally recorded in one or more of the towns where said land is situate in part, a certified copy of the record thereof, made by the town clerk or register of the town where the same has been recorded, may be recorded in the other town or towns in which said land is situate in part, and when recorded in the manner now provided by law for the recording of deeds, shall have the same force and effect as a record of the original instrument; *provided however*, that this act shall not affect any suit now pending.

Proviso.

Approved, June 22d, 1855.

CHAPTER XVII.

An Act in addition to "An Act for the Preservation of Game."

Be it enacted by the Senate and House of Representatives in General Assembly convened:

That every person who shall make use of ferrets for the purpose of taking or destroying that species of game called rabbits, upon lands not owned, or occupied by himself, shall forfeit for every rabbit so taken or destroyed, the sum of ten dollars, to any person who shall prosecute therefor, in an action upon this statute. Prohibiting the use of ferrets to destroy rabbits, on the land of others. Penalty.

Approved, June 22d, 1865.

CHAPTER XVII.

An Act in addition to an Act entitled "An Act for the settlement of Estates, Testate, Intestate and Insolvent."

Be it enacted by the Senate and House of Representatives in General Assembly convened:

That whenever any real estate belonging to a minor shall be hereafter sold, or when any real estate belonging to any minor now living, has heretofore been sold, under an order or decree of any court by law empowered to order such sale; so much of the avails of the estate sold and of any investments thereof as have not been expended for such minor according to law, shall, in case of his decease before arriving at the age of twenty-one years, be distributed to the person or persons, who would by law have been entitled to said real estate had the same remained unsold. *Provided*, that this act shall not effect the income or interest accruing from said property after such sale, or such minor's right to dispose of all of his personal property by will. Unexpended avails of sale of real estate of minors, how distributed after decease of minor. Provide.

Approved, June 22d, 1865.

CHAPTER XVIII.

An Act concerning the Record of Deeds of Real Estate.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Record of a defective conveyance, shall be notice of the equitable interest passed thereby.

SEC. 1. That the record of any instrument intended as a conveyance of a legal interest in lands, but which, by reason of formal defect, shall operate only as a conveyance of an equitable interest in such lands, shall be held to be notice to all the world of whatever equitable interest is created or passes by such instrument.

Instrument creating or conferring an equitable interest in lands, may be recorded.

SEC. 2. That contracts for the conveyance of lands, or of any interest therein, and instruments of any kind, by which an equitable interest in lands is created or conferred, where such lands are particularly described in such contract or other instrument, may be recorded in the land records of the town in which such lands are situated, and such record shall be held to be notice to all the world of the equitable interest thus created or conferred.

Record held to be notice of such interest.

Approved, June 22d, 1865.

CHAPTER XIX.

An Act for the Encouragement and Regulation of Fishing in Bride's Brook, East Lyme.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Use of weirs and other obstructions in Bride's Pond Brook and outlet, regulated.

SEC. 1. No weirs or other obstructions shall be placed across Bride's Pond Brook and outlet, in East Lyme, either by the adjoining proprietors, or by any other persons, between the setting of the sun on Saturday evening, and the rising of the same on the subsequent Friday morning, at any time between the twentieth day of March, and the first day of May, in each year. *Provided*, that nothing herein contained shall be construed to prevent the proprietors of lands adjoin-

Proviso.

ing said brook and outlet, from erecting dams upon said stream, for the purpose of carrying machinery of any description; and whoever shall violate the provisions of this section, shall be subject to a penalty of twenty-five dollars. Penalty.

SEC. 2. That Section 34 of An Act for encouraging Repeal. and regulating fisheries be and the same is hereby repealed.

Approved, June 22d, 1865.

CHAPTER XX.

An Act relating to Probate Districts.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

SEC. 1. That the town of East Granby, be, and is Probate district of East Granby constituted. hereby constituted a probate district, by the name of the district of East Granby. And the first judge of said district may be elected at a special meeting of the town of East Granby, held in said town, and to be specially called for that purpose by the selectmen of said town, some time in the month of July, A. D. 1865; and the term of office of the judge elected at said meeting shall expire on the fourth day of July, A. D. 1866. *Provided however,* Proviso. that all business that shall be begun or entered in the court of probate for the district of Granby, on or before the fourth day of July, A. D. 1865, shall be completed therein, in the same manner as if this Act had not been passed.

SEC. 2. This act shall take effect from and after the day of its passage.

Approved, June 22d, 1865.

CHAPTER XXI.

An Act directing the sessions of the Supreme Court of Errors, and of the Superior Court, for the County of New London, to be held at Norwich.

Be it enacted by the Senate and House of Representatives in General Assembly convened :

Supreme court of errors and superior court for N. London county, to be held in Norwich, after a court house shall be provided.

SEC. 1. In case a convenient court house shall, within two years from the rising of this Assembly, be erected in the town of Norwich, in New London county, to the acceptance of the judges of the supreme court of errors, or a majority of them, and without any expense to said county, all the sessions of the supreme court of errors and of the superior court required by law to be held in said county, after the date of such acceptance, shall be held in said Norwich.

Electors' meetings to be held in each town, to vote on the acceptance of the foregoing section.

SEC. 2. The selectmen of each town in New London county shall warn the electors of such town to meet at the proper place or places for holding electors' meetings therein, on the first Monday of October, A. D., 1865, at nine o'clock in the forenoon, for the purpose of signifying, by ballot, their approval or disapproval of the first section of this act. The presiding officer of said meeting shall be appointed in the manner by law provided for the appointment of presiding officers of other electors' meetings. Immediately after the organization of said meeting, the presiding officer shall submit the first section of this act to the electors present, and shall call upon them to bring in to him their ballots approving or disapproving the same ; and those electors who approve of said section shall give in a ballot with the word "Yes" written or printed thereon, and those who disapprove of said section shall give in a ballot with the word "No" written or printed thereon. The polls shall remain open until four o'clock in the afternoon of said day, and no longer ; and in any town divided into voting districts, the ballots may be received at the places and in the manner designated in accordance with the provisions of existing law. The presiding officer shall register, or cause to be registered, or if a registry has been previously prepared, shall check or cause to be checked on such registry, the name of each elector voting at such meeting at the time his vote shall be received, and within

Presiding officer.

Manner of voting.

Registry of voters.

twenty-four hours after the final adjournment of said meeting, shall lodge the registry so made in the office of the town clerk, where the same shall be carefully kept and preserved: and no elector shall have the right to vote at such meeting in any town, unless at the time of the holding of said meeting he resides, and for four months next prior thereto has resided in said town. The ballots given in as aforesaid shall be examined, sorted and counted by the presiding officer, assisted by the town clerk and selectmen; and the result of the balloting shall be declared by the presiding officer in open meeting. Duplicate certificates of the number of ballots so given in and declared as aforesaid in favor of approving the first section of this act, and also of those disapproving of the said section, in words at full length, shall be made by the presiding officer: one of which certificates shall be deposited in the office of the town clerk of the town in which said meeting shall be held, and the other shall be, by said presiding officer, transmitted by mail to the secretary of state, at Hartford, or shall be delivered, sealed up, to the secretary, within five days after the day of the holding of the said meetings; and the said certificates shall be in the form following, to wit:

Who may vote.

Ballots, how counted, declared and returned.

At a meeting of the electors of the town of _____ legally warned and held on the first Monday of October, 1865, for the purpose of receiving the votes of the electors of said town upon the question of approving or disapproving of the first section of "An Act directing the sessions of the Supreme Court of Errors and of the Superior Court for the county of New London, to be held at Norwich," there were given in favor of said section _____ votes, and against the same _____ votes.

Form of certificates.

Certified by A. B., Presiding Officer.

The superscription of the said certificate to be returned to the secretary of state, shall be as follows, to wit:

"To the Secretary of State.—Votes of the electors of _____ the town of _____ upon the first section of "An Act directing the sessions of the Supreme Court of Errors and of the Superior Court for the County of New London, to be held at Norwich;" taken and sealed up by A. B., Presiding Officer."

Superscription.

- Canvass of votes.** The said certificates shall be opened and the votes so returned shall be examined by the secretary of state, in presence of the treasurer and comptroller on or before the last Wednesday of October, 1865 ; and the secretary, treasurer and comptroller shall immediately thereafter make and subscribe a certificate, setting forth the number of votes given in at said meetings in favor of the first section of this act, and also the number of votes given in at said meetings against the said section by the electors of each town in said county, according to the returns made by the presiding officer as aforesaid : which certificates shall be filed and recorded in the secretary's office. And if it shall appear from the said certificate that two-thirds of the voters voting at the aforesaid meetings in the towns in said county have, by their votes given in and returned as aforesaid, signified their approval of the first section of this act, then the said section shall be and continue in force as a law of this State, and the secretary shall cause the same to be published as such ; but if it shall appear from the said certificate that the said section is not approved in manner aforesaid by at least two-thirds of the voters voting in the towns in said county, the same shall be without any force or validity whatever.
- Certificate of canvassers.**
- To be filed and recorded.**
- If two-thirds of the voters approve the first section of this act, to be in force as a law.**
- To be published by the secretary.**
- If not so approved to have no force.**
- Secretary of State to furnish blanks for return of votes.** The secretary of state shall, on or before the second Monday of September, 1865, transmit blank forms for the return of the votes to be given pursuant to this act, to the town clerks of the several towns in New London county, for the use of said towns.
- Penalty for illegal voting.** SEC. 3. If any person shall vote at any of said meetings, who by law has no right so to do, or if any person shall fraudulently give in more than one vote at any of said meetings, such person shall be punished by a fine not exceeding one hundred dollars, nor less than seventeen dollars, or by imprisonment in a common jail not exceeding six months, nor less than thirty days, or by such fine and imprisonment both.
- Town of Norwich required to maintain the court house.** SEC. 4. And it shall be the duty of the town of Norwich, so long as the sessions of said courts are continued to be holden there, to maintain and provide a suitable court house, without expense to the county, and the benefits of this act shall be upon this express condition.

Approved, June 22d, 1865.

CHAPTER XXII.

An Act relating to the Contingent Expenses of the General Assembly.

Be it enacted by the Senate and House of Representatives in General Assembly convened :

SEC. 1. That it shall not be lawful for the comptroller of public accounts to register any grant or order for the contingent expenses of the general assembly, or for either house thereof, until the person or persons respectively entitled to the same shall have lodged and filed in the comptroller's office a bill of particulars, specifying the particulars thereof, sworn to by such person or persons as being just and correct.

No grant for contingent expenses to be registered until a bill of particulars has been sworn to.

SEC. 2. This act shall take effect from the passage thereof.

Approved, June 22d, 1865.

CHAPTER XXIII.

An Act in addition to "An Act concerning the Domestic Relations."

Be it enacted by the Senate and House of Representatives in General Assembly convened :

SEC. 1. The interest of a married man in the real estate of his wife, which has been, or may hereafter be, acquired by her, subsequently to their marriage, either by gift or purchase, shall not be taken by attachment or execution against him during the life of the wife, or the life of any child the issue of such marriage.

Husbands' interest in real estate of wife, not subject to attachment or execution against him, during life of wife or her child.

SEC. 2. This Act shall not affect any suit now pending.

Approved, June 29th, 1865.

CHAPTER XXIV.

An Act in addition to "An Act concerning Crimes and Punishments."

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Penalty for selling personal property, under a promise of gifts &c to be assigned by lot.

SEC. 1. If any person shall sell any personal property, and shall promise, offer or agree that, in consideration of the purchase thereof, the purchaser shall have or be entitled to receive any interest or benefit in any money, fund, article or articles of value, other than the personal property so sold, such interest or benefit to be ascertained or determined by lot, chance or hazard, the person making such sale shall pay a fine, not exceeding three hundred dollars, or be imprisoned in a common jail for a term not exceeding three months, or shall suffer such fine and imprisonment both, at the discretion of the court.

Penalty for selling personal property with promise of a gift of value unknown to the purchaser.

SEC. 2. If any person shall sell any personal property, and shall offer, promise or agree, that, in consideration of the purchase thereof, the purchaser shall receive or be entitled to receive, as a gift, present or gratuity, any article or articles of value, or any interest therein, other than the property so sold, which said gift, present or gratuity shall be unknown in value, quality or kind to such purchaser, at the time of such sale, the person so offending shall, upon conviction, be punished as mentioned in the first section of this act.

Approved, June 29th, 1865.

CHAPTER XXV.

An Act in addition to an Act entitled "An Act concerning Crimes and Punishments."

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Penalty for painting or affixing advertise-

That if any person or persons, shall paint, or print upon, or in any other manner affix to any property not

his own, whether situated within the limits of any public or private way, or not, without the consent of the owner, or occupier thereof, any word, letter, character or device, stating, referring to, or advertising, or intended to state, refer to, or advertise the sale of any property or article, or who shall directly or indirectly cause any such act to be done, or aid in any manner therein, shall, upon conviction, for each and every such offence, be punished by a fine not exceeding one hundred dollars, or by imprisonment in a common jail not exceeding six months, or by such fine and imprisonment both; *provided*, however, that nothing herein contained shall apply to any notice posted in pursuance of any law of this State or of the United States, or by order of any court in this State or of the United States.

Approved, June 29th, 1865.

CHAPTER XXVI.

An Act to authorize Towns to make an Appropriation of Money to erect Monuments to the Memory of Soldiers and Seamen who have died in the late War against the Government of the United States.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

SEC. 1. It shall be lawful for any town in this State, at a meeting legally warned for the purpose, to appropriate a sum of money, not more than the amount of fifteen cents on one hundred dollars, of the assessment list of said town last completed at the time of holding said meeting, for the erection of a suitable monument to the memory of all soldiers and seamen who were residents of, and who belonged to said town at the time of their enlistment, and who have died in the military or naval service of the United States in the late war against the Government of the United States, the appropriation so made to be subject to the conditions hereinafter stated.

ments on the property of others.

Towns may appropriate not exceeding 15 per cent. on the assessment list, for erecting monuments to soldiers and seamen.

No part of such appropriation to be used until an equal amount is raised by voluntary contribution.

Limitation.

Monument, how to be located.

Committee of supervision.

Appropriations or contributions not to be expended for the purchase of land.

Names of soldiers and seamen to be inscribed on such monuments.

SEC. 2. No part of said appropriation shall be used until at least an amount equal to said appropriation shall be raised for the same purpose by voluntary contributions and paid into the treasury of said town ; and unless said amount so raised by voluntary contributions shall be paid into the treasury of the town within one year after said appropriation is made, then no part of said appropriation shall be used for the object herein provided, and any amount which may have been raised by said town for said object in pursuance of the provisions of this act, shall be used to defray the ordinary lawful and necessary expenses of said town.

SEC. 3. Whenever an appropriation is made by any town in this State under the provisions of this act, the particular location of the monument proposed to be erected, shall be stated in the vote making said appropriation, or if not so stated, said town shall at the same meeting when said appropriation is made, appoint a committee of three persons, a majority of which committee shall decide upon the particular location of said monument within thirty days from the time of their appointment, and shall within said thirty days file a certificate designating the place so decided upon, in the office of the town clerk of said town ; and at the same meeting the said town may appoint a committee of not more than three persons, under whose direction and supervision the money appropriated and raised under the provisions of this act shall be expended, and the treasurer of said town shall pay all orders drawn upon him by said committee in pursuance of said provisions ; and in case such committee is not appointed, then all expenditures under the provisions of this act shall be made under the direction of the selectmen of said town.

SEC. 4. No part of the amount of the appropriation, or the amount raised by voluntary contributions under the provisions of this act, shall be expended for land upon which a monument is to be erected, except such portion of the amount raised by voluntary contributions as shall be in excess of the amount of said appropriation.

SEC. 5. The names of all soldiers and seamen, who at the time of their enlistment were residents of, or belonged to any town which shall erect a monument under the provisions of this act, and who have died in the military or naval service of the United States during the

late war, shall be inscribed upon said monument or upon a tablet inserted therein, and the places and dates of their death, when the same can be ascertained.

Approved, June 29th, 1865.

CHAPTER XXVII.

An Act confirming the action of Towns in relation to Bounties.

Whereas, certain towns, without authority of law, have held meetings, passed votes, issued town orders, notes, bonds, and other obligations, and borrowed money, and done other acts, with the intent the more speedily to fill their quotas of troops for the service of the United States, or to defray the expenses of raising said quotas and to make just compensation to those who have performed military service for the United States; *and whereas*, such votes and other proceedings, have in many cases been acted upon by treasurers, selectmen and agents of such towns, as if said votes and proceedings were valid. Therefore,

Be it enacted by the Senate and House of Representatives in General Assembly convened:

SEC. 1. That all such meetings, votes and acts of any town, and all acts of selectmen, treasurers, and other agents of such town done, and all notes, bonds, town orders, and other obligations issued, and liabilities assumed, pursuant to such votes, and for the purpose of carrying the same into effect, are hereby validated and confirmed, and the said votes, acts and proceedings of every such town, and the said acts of said selectmen, treasurers and agents, and all such obligations and liabilities shall have the same effect, and be as valid, in every respect, as if said votes and acts of such towns, and said obligations and liabilities, had been previously authorized by law.

Confirming the action of towns in the issue of obligations, for payment of bounties, &c.

SEC. 2. This act shall take effect from its passage, but no costs shall be taxed against any town, in any suit brought under the provisions of this act within six months from the passage thereof.

Approved, June 29th, 1865.

CHAPTER XXVIII.

An Act in alteration of "An Act relating to certain State Officers, and to the Treasury Department."

Be it enacted by the Senate and House of Representatives in General Assembly convened :

Tenure of office
of notaries pub-
lic.

SEC. 1. That the term of office of all notaries public heretofore, or who shall hereafter be appointed by the Governor, shall expire two years from and after the fourth day of July of the year in which they were, or shall be commissioned, respectively ; unless their commissions shall be, or have been revoked by the Governor.

SEC. 2. This act shall take effect from its passage.
Approved, June 29th, 1865.

CHAPTER XXIX.

An Act relating to the execution of Deeds of Real Estate.

Be it enacted by the Senate and House of Representatives in General Assembly convened :

Conveyances of
real estate of
married women,
by separate deeds
of herself and
husband, valida-
ted.

SEC. 1. That all deeds of the real estate of a married woman, heretofore made, where the husband and wife executed separate deeds of the same real estate belonging to the wife, under their hands and seals, which were by them acknowledged and duly recorded, shall be valid and effectual to transfer said real estate.

SEC. 2. This act shall not affect any suit now pending.

Approved, June 29th, 1865.

CHAPTER XXX.

An Act in addition to an Act entitled "An Act concerning the Domestic Relations."

Be it enacted by the Senate and House of Representatives in General Assembly convened :

That no parent or master shall be entitled to receive, or use, any money or other property belonging to his child, servant or apprentice, without first having been appointed guardian to such child, servant or apprentice, and given bond to the satisfaction of the court of probate having authority to appoint such guardian.

Parent, or master, not appointed guardian, may not receive or use property of minor, servant or apprentice.

Approved, June 29th, 1865.

CHAPTER XXXI.

An Act in addition to "An Act relating to Salaries and Fees."

Be it enacted by the Senate and House of Representatives in General Assembly convened :

That the fee, for filling out an application for pay, bounty, or pension, due to volunteers, or to the relatives thereof, administering the necessary oaths, and affixing the official seal of a judge or clerk of any court in this state, shall not exceed one dollar.

Fee of judge or clerk, for making application for pay, bounty or pension of volunteers.

Approved, June 29th, 1865.

CHAPTER XXXII.

An Act authorizing the Town of Meriden to issue Bonds.

Be it enacted by the Senate and House of Representatives in General Assembly convened :

Town of Meriden
may issue bonds,
at seven per
cent., not ex-
ceeding \$70,000.

SEC. 1. The town of Meriden is hereby authorized to issue and dispose of, as said town may see fit, at any time or times, its bonds or other obligations, with or without coupons attached, payable at such time or times, and at such rate of interest not exceeding seven per cent. per annum, payable annually or semi-annually, and authenticated in such manner as said town shall determine; *provided however*, that no bond or other obligation shall be issued under the authority of this act, except in pursuance of a vote or votes of said town passed at a meeting or meetings of said town to be duly warned and held for that purpose, *and provided further*, that said town shall not sell or dispose of any such bond or obligation at less than the par value thereof; *and provided further*, that the total amount of bonds and obligations to be issued under this act, shall not exceed the sum of seventy thousand dollars.

SEC. 2. This act shall take effect from the day of its passage.

Approved, June 29th, 1865.

CHAPTER XXXIII.

An Act in addition to An Act concerning Communities and Corporations.

Be it enacted by the Senate and House of Representatives in General Assembly convened :

Selectmen may
appoint special
constables, on
occasion of pub-
lic celebrations,
&c.;

SEC. 1. The selectmen of the several towns in this state, are hereby empowered to appoint within their respective towns, upon the occasion of any public celebration or gathering, or during the period of any unusual excitement therein, such number of special constables as they may deem necessary to preserve the public

peace within the limits of such town ; such appointment shall be for a specified time not exceeding five days, and such special constables shall have during the time for which they shall be appointed, all the powers which constables now by law have to serve criminal process, and to make arrest for crime.

Appointment to be for not exceeding five days.

Powers.

SEC. 2. This act shall take effect from and after the day of its passage.

Approved, June 30th, 1865.

CHAPTER XXXIV.

An Act confirming the doings of the Eighth School District of Griswold.

Be it enacted by the Senate and House of Representatives in General Assembly convened :

SEC. 1. That the acts, doings and proceedings of the annual meeting, in the year 1863, of the eighth school district of the town of Griswold, are hereby validated and confirmed, and the taxes imposed by such meeting shall be binding and obligatory upon the persons assessed to pay the same, and shall be payable and collectible in the same manner as if the same had been legally imposed at said meeting.

SEC. 2. This act shall take effect from the day of its passage.

Approved, July 6th, 1865.

CHAPTER XXXV.

An Act relating to Courts.

Be it enacted by the Senate and House of Representatives in General Assembly convened :

That, until a new court house shall be erected at Norwich, within and for the county of New London, the

Provision for a suitable place for holding courts,

in Norwich.

supreme court of errors and the superior court, when required by law to be held at Norwich, shall be held in such room or rooms in said town, as the sheriff of said county shall provide; and the sheriff of said county shall provide a suitable room or rooms for the purpose; and the county commissioners of said county shall draw orders on the treasurer of said county in favor of the sheriff, for the expense by him incurred in preparing and fitting up the said room or rooms, and for the rent thereof as it shall accrue.

Approved, July 6th, 1865.

CHAPTER XXXVI.

An Act in addition to and in alteration of an Act entitled "An act authorizing the establishment of Savings and Building Associations."

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Deposits in savings and building associations to be paid to depositors;—

And if depositors are not known, to be deposited with state treasurer.

Treasurer to advertise the names of depositors, and amount of deposits unclaimed.

Penalty for violation of the foregoing provisions.

SEC. 1. That the several savings and building associations in this state, be, and they are hereby required to pay over to the depositors therein, the several sums due to the same on or before the first day of July, 1866, and if any of the depositors in said savings and building associations are not known and cannot be found, the several savings and building associations shall deposit the sums due such depositors with the treasurer of this state, with the name and residence as far as known, of each of said depositors, on or before the first day of July, 1866, and the treasurer of this state shall give his receipt for the same, and shall at least once in each year, advertise in such newspapers of this state as he shall deem expedient, the names of such depositors and the amount remaining due to each, and their last place of residence in this state, and he shall pay to such depositors, or to their order respectively, such sums, whenever the same shall be demanded.

SEC. 2. Any savings and building association whose officers or directors shall knowingly violate, or permit to be violated, the provisions of the preceding section, shall forfeit to the treasurer of this state a sum not less

than one hundred dollars, nor more than five hundred dollars, for each and every violation thereof, and it shall be the duty of the attorneys of the state, in their respective counties, to prosecute every violation of this act, and any person residing in this state may prosecute any such violation in his own name, one half of which forfeiture shall be for the use of the state, and the other half to him who shall sue therefor and prosecute his suit to effect.

Approved, July 6th, 1865.

CHAPTER XXXVII.

An Act providing for the Collection of Taxes in the Town and City of Hartford.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

SEC. 1. All taxes hereafter laid by either the town or the city of Hartford, shall be payable and collectible, on or before the 15th day of July next after the same are laid, and if paid on or before said day, two per cent. discount shall be allowed thereon, and no discount shall be allowed thereafter. On all such taxes remaining due and unpaid after the first day of August next after the same are laid, one per cent. shall be added and made collectible, as a part of such tax, and a further sum of one per cent. shall be in like manner added and made collectible on the first day of each succeeding month thereafter until such tax is paid.

Hartford town and city taxes, when collectible.

One per cent. to be added to taxes not paid before Aug. 1st, and one per cent. additional for every month thereafter.

SEC. 2. The collector or collectors of each of the aforesaid taxes, shall, on or before the fifth day of July in each year, give written or printed notice to each tax payer on his rate bill, stating the amount of his tax, and that the same is due and payable at the office of such collector; and such notice shall also contain a copy of the first section of this act, or a full and plain abstract thereof, and shall also further publish, on or before said fifth day of July, and continue such publication daily until the fifteenth day of said July, a like notice, except as to the amount of such tax, in at least two daily papers published in said town or city.

Notice to be given by collector.

To be published.

Further notice of
taxes remaining
unpaid.

And each collector aforesaid, shall, on or before the tenth day of December in each year, give further notice, written or printed, to each tax payer on his rate bill, whose tax shall then remain due and unpaid, that unless the same is paid, on or before the first day of January next succeeding, the same with all accrued and accruing additional per centage, will be immediately thereafter collected by warrant of distress, together with twenty-five cents fees for such notice, and fifty cents fees for such warrant, which additional per centages and fees, it shall be lawful to add and collect.

What to consti-
tute a sufficient
notice.

Notice in writing, or printed, deposited in the post office in said Hartford, addressed to the tax payer at the post office delivery within which he resides, where the same is known, or actual notice, written or printed, given in any other manner, shall be sufficient notice under this act; but no notice other than that required to be publicly advertised, shall be held or construed to be an essential legal prerequisite for the enforced collection of any of said taxes.

When tax is not
laid until after
May 1st.

SEC. 3. In case the laying of either the town or city annual tax for the current year, and the appointment of a rate maker, shall be delayed from any cause beyond the first day of May, then the same, if it be the town tax and rate maker, shall be laid and appointed by the board of selectmen of said town, and if it be the city tax and rate maker, shall be laid and appointed by the city court of said city, on or before the tenth day of May, then next succeeding, and said board of selectmen, and said city court shall severally fill all vacancies which may occur respectively in the office of rate maker.

Duty of rate
makers.

SEC. 4. The rate makers shall immediately after their appointment, proceed to make out their respective rate bills, and shall complete and deliver the same to their respective collectors, on or before the tenth day of June, next succeeding.

Collectors to hold
office for two
years.

SEC. 5. The collectors of said town and city taxes hereafter to be chosen, shall hold their respective offices for the term of two years, and until their successors shall be duly chosen and qualified in their stead.

If either collec-
tor dies, removes
or resigns, the
other may dis-
charge all duties.

SEC. 6. Whenever a vacancy shall exist, by death, removal, resignation or otherwise, in the office of either of said collectors, the remaining collector shall be fully empowered to, and shall discharge all the duties of said vacant office, for the unexpired portion of the term. And in case a vacancy shall exist as aforesaid in both

of said offices, the same shall be filled for the unexpired portion of said term, by a major vote of the selectmen of said town, and the aldermen of said city at a meeting specially called and warned by the mayor of the city for that purpose.

In case of vacancy in both offices the selectmen, or aldermen, may appoint.

SEC. 7. The first selectman of said town, and the mayor of said city, shall locate and provide a suitable office for the payment and collection of the respective town and city taxes, the expense of which shall be borne equally between said town and city. And said respective collectors shall keep said office open, and be therein in attendance for the transaction of all business connected with their respective offices, at all reasonable times between the hours of 9 o'clock, A. M., and 4 o'clock, P. M., on all ordinary business days.

Office for collection of taxes, to be provided by first selectman.

Expenses, how borne.

Time of attendance at office.

SEC. 8. The said collectors shall be allowed annually, in lieu of all other compensation for the collection of said taxes, the sum of three thousand dollars, payable quarterly, and the portion of said sum payable to each collector shall bear the same proportion to the whole sum, as the whole amount of his rate bills bears to the whole aggregate amount of the rate bills of both the town and city for the current year; to be computed and ascertained by the clerk or clerks of said town and city, for the time being, within one month after such rate bills shall have been completed.

Compensation of collectors.

How apportioned.

SEC. 9. Whenever a complaint shall be made in writing by a majority of the selectmen of said town, against any collector of said town taxes, or by a majority of the aldermen of said city, against any collector of said city taxes, to any judge of the superior court, for incapacity, neglect, fraud, or malfeasance in office, said judge, upon due order of notice, may summon such collector to appear, and upon full hearing, may remove such collector from his said office.

Proceedings on complaint against collector, for incapacity, malfeasance, &c.

SEC. 10. The collector of each of the taxes aforesaid, shall give bonds with sufficient surety, in the penal sum of twenty-five thousand dollars, for the faithful discharge of the duties of his office, which bond shall be executed to the satisfaction of the board of selectmen of said town, in case of the town tax collector, and to the satisfaction of the mayor of said city, in case of the city tax collector.

Each collector to give bonds, in \$25,000.

SEC. 11. Each of said collectors shall pay over to the treasurer of said town or city, by whom his tax col-

Money collected to be paid over to town and city

treasurer,
monthly.

lections are receivable, on the first Monday in each month, all moneys by him collected on such taxes up to the time of such payment.

SEC. 12. All acts and parts of acts, inconsistent with this act, so far as the same are applicable to the town or the city of Hartford, are hereby repealed.

Approved, July 6th, 1865.

CHAPTER XXXVIII.

An Act in addition to "An Act relating to Courts."

Be it enacted by the Senate and House of Representatives in General Assembly convened :

Sheriff, or deputy,
may not be
county commissioner.

That no sheriff or sheriff's deputy shall hold the office of county commissioner.

Approved, July 6th, 1865.

CHAPTER XXXIX.

An Act in alteration of "An Act relating to the Militia."

Be it enacted by the Senate and House of Representatives in General Assembly convened :

Active state militia,
how to be designated.

To be provided
with uniforms.

SEC. 1. The active militia of the state shall hereafter be designated The Connecticut National Guard.

SEC. 2. Every non-commissioned officer, musician and private, shall be provided with a uniform at the expense of the state, which shall be furnished by the quarter-master-general, upon the requisition of his company commandant, approved and countersigned by the commandant of the regiment ; *provided*, that no uniform shall be so furnished for a member of any company which shall have more uniforms previously provided by the state, than active members residing within its limits.

SEC. 3. All such requisitions shall be accompanied by the certificate of the surgeon-general, brigade or regimental surgeon, that the person for whom such uniform is required is able-bodied according to the rules and standards established and adopted in the army of the United States, and by the certificate of the commandant of the company, stating the name, age and date of enlistment of the person for whom such uniform is required, that he believes such person to be able-bodied, and of good moral character, and the number of state uniforms in the company armory, and of active members residing within the limits of the company.

Requisitions for uniforms, to be accompanied by certificates.

SEC. 4. Every uniform so furnished shall continue to be the property of the state, until the person for whom it is furnished shall have served the full term of his enlistment, when it shall become his property. And until such time said uniform shall remain in the company armory, in charge of the commandant of the company, or some suitable person by him appointed, except when worn in the discharge of military duty.

Uniforms to remain the property of the state.

Not to be worn except in discharge of military duty.

SEC. 5. Whoever shall wantonly or intentionally injure or destroy such uniform, and refuse to make good such injury or loss, or sell or dispose of the same, or remove or secrete the same, with intent to sell or dispose thereof, before it shall become his property by such service as aforesaid, shall be deemed guilty of a misdemeanor, and shall be punished by a fine not exceeding two hundred dollars, or by imprisonment in a county jail for not more than six months, or by both such fine and imprisonment.

Penalty for injuring or destroying uniforms,—or for selling them.

SEC. 6. Uniforms shall be furnished to non-commissioned staff officers, and members of regimental bands, upon such requisitions and guarantees for safe keeping as the quarter-master-general may prescribe.

Uniforms for non-commissioned staff, and members of bands.

SEC. 7. The uniform of all non-commissioned officers, privates and company musicians, shall be hereafter, a jacket, trowsers and fatigue cap, conforming to the regulations which shall be prescribed by the commander-in-chief. The commander-in-chief, quarter-master-general, and division inspector, shall constitute a board to determine the style and quality of the uniform furnished by the state, but the cost of such uniform shall not exceed eighteen dollars.

What shall be the uniform.

Style and quality, how determined.

Cost, not to exceed \$18.

SEC. 8. The comptroller, upon the order of the commander-in-chief, shall draw his order on the treasurer.

Comptroller to draw orders, for payment.

urer for the amounts required by the quarter-master-general from time to time for the purchase of such uniforms.

Commanders of companies to make and return muster rolls.

SEC. 9. All commandants of companies shall, within thirty days after the passage of this act, make out and return to the adjutant-general, a muster roll, showing the condition of their companies in such manner and form, as may be by him prescribed, and the adjutant-general may call for a like muster roll of each company, at such times as the interest of the service may require, not exceeding, however, three times per year, in addition to the rolls made at parades and encampments. The commander-in-chief shall thereupon disband inefficient companies to such extent as he may deem beneficial to the service.

Inefficient companies may be disbanded.

Board for examining commissioned officers.

SEC. 10. An examining board to consist of two or more competent persons, appointed by the commander-in-chief, shall convene at each annual encampment, and examine in military tactics all commissioned officers below the rank of major-general. Officers not present at such encampment, and officers whose examinations thereat were not satisfactory, shall appear for examination before said board at such time and place, within six months thereafter, as may be designated by the commander-in-chief, who shall, after such second session of the examining board, revoke the commissions of all officers who have not presented themselves at one of said sessions and shown sufficient knowledge of tactics for the proper performance of their duties, which shall be by him determined from returns made by said board. But no officer who has passed one examination shall thereafter be re-examined previous to promotion, and the provisions of this section shall not apply to those staff officers whose duties do not require a knowledge of such tactics. The commander-in-chief may arrange with the members of the said board, as to their compensation, and upon his certificate the comptroller, shall draw orders on the treasurer therefor.

Commissions of officer not present for examination, or found incompetent, shall be revoked.

Officers having once passed not to be re-examined, previous to promotion.

Compensation of examiners.

Examination of corporals and sergeants.

SEC. 11. No person shall be appointed a corporal or sergeant except on certificate of his company commandant, that he has passed a satisfactory examination, which shall be for corporals in the school of the soldier, and for sergeants in the school of the soldier, and the school of the company. Commandants of regiments shall issue orders for a like examination of all such non-com-

missioned officers heretofore appointed, and shall revoke the warrants of those who fail in such examination.

SEC. 12. All persons enlisting after the original enrollment of the company, shall sign duplicate enlistment papers, one to be sent to the adjutant-general and one filed with the company records. Enlistments shall be for a term of five years; and all persons faithfully serving such full term, shall be entitled to an honorable discharge, and they and every person who has honorably served at least two years in the war of the rebellion shall thereafter be exempt from the payment of military commutation taxes, and from military duty except in case of war or insurrection, and for three years thereafter from the payment of poll taxes.

Enlistment papers.

Enlistments to be for five years.

Exemption from military commutation and duty, and from poll taxes.

SEC. 13. The commander-in-chief is authorized to attach the companies of cavalry, and sections or batteries of artillery, to the regiments of infantry, but this shall not prevent such regiments from having the full number of infantry companies.

Cavalry and artillery to be attached to regiments of infantry.

SEC. 14. So much of the law relating to the militia as provides for an officers' drill in the month of August, in each year, is hereby repealed, and the annual encampment shall hereafter be held for six successive days. The major-general, with the approbation of the commander in chief, may, once in two years, direct such encampment to be by division, and issue all orders necessary to carry the same into effect.

Repeal of provision for officers' drill.

Encampment by division may be ordered, once in two years.

SEC. 15. In lieu of the allowance now made by law for the hire of artillery horses, it shall be the duty of the quarter-master-general to provide suitable horses for two days artillery drill in each year during the fall encampment; and the quarter-master-general may authorize the commanding officer of each battery or section to make contract for such horses, subject to his approval or rejection.

Horses for artillery to be provided by Q. M. General.

SEC. 16. Whenever any person shall incur any forfeiture or fine under the provisions of the act to which this act is in addition, it shall be and is hereby made the duty of the commanding officer of the company to which such person belongs, to bring in his own name an action of debt for the recovery of said forfeiture or fine; and, in case said action shall fail for any cause, all the expense incurred by said officer in the prosecution of said action, shall be paid by the state, and shall be taxed in favor of such officer by the superior court

Fines and forfeitures how recoverable.

Costs, to be taxed, by the superior court.

Suits not to be brought without approval of commander of regiment.

in and for the county in which such action is brought ; and when so taxed it shall be the duty of the clerk of the court in said county to draw the same and pay it over to such office. *Provided*, that no suit shall be brought under the provisions of this section except upon the approval of the commanding officer of the regiment.

SEC. 17. The fifth, sixth and seventh sections of an act entitled "An Act in addition to, and in alteration of, an Act relating to the Militia," approved July 9th, 1864, and all other acts and parts of acts, so far as they are inconsistent with the provisions of this act are hereby repealed. *Provided*, that nothing in this act shall be construed to affect any payment which may be due on the first day of October, 1865, in accordance with the provisions of the said section fifth of the aforesaid act, approved July 9th, 1864.

SEC. 18. This act shall take effect upon its passage. Approved, July 6th, 1865.

CHAPTER XL.

An Act in addition to "An Act concerning Crimes and Punishments."

Be it enacted by the Senate and House of Representatives in General Assembly convened :

Penalty for injuring or destroying trees on the land of another, or in highways ;—

for injuries, to fences,—

for destroying or carrying away crops, fruits, or vegetables.

SEC. 1. That every person who shall willfully and maliciously cut down, girdle, injure or render useless any ornamental tree, shade tree or shrub, or fruit tree standing upon the land of another, or on the public highway in front of said land, or shall willfully and maliciously cut, injure, deface or throw down any fence on the land of another, or shall willfully cut or destroy, or take away from the land of another, any crops or parts of crops, fruit or vegetable production, growing, or standing or lying on said premises, shall be punished by fine not exceeding one hundred dollars, or imprisonment in the common jail not exceeding twelve months, or by such fine and imprisonment both, at the discretion of the court having cognizance of the offence.

SEC. 2. One half the penalty recovered and actually received from any person for any violation of the foregoing section, shall be paid under the order of the court having cognizance of the offence, to the person who shall complain and furnish evidence to any informing officer of such violation. Half the penalty to be paid to the complainant.

SEC. 8. All acts and parts of acts inconsistent with this act are hereby repealed; *provided however*, that the passage of this act shall not affect any prosecution now commenced.

Approved, July 7th, 1865.

CHAPTER XLII

An Act in addition to an Act entitled "An Act concerning Crimes and Punishments."

Be it enacted by the Senate and House of Representatives in General Assembly convened:

That every person who shall willfully and maliciously cut, break, throw down, destroy, or in any manner injure, any derrick belonging to any other person, or any of the guy ropes, or other supports attached, or belonging to such derrick, shall be punished by a fine not exceeding one hundred dollars, or by imprisonment in a common jail not exceeding six months, or by such fine and imprisonment both. Penalty for destroying or injuring derricks or guys.

Approved, July 7th, 1865.

CHAPTER XLIII

An Act relating to Discharges from the State Prison.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

That in all applications to the general assembly for the discharge of any person from the state prison under Notice to be given to state's

attorney of application for discharge from state prison.

Duty of state's attorney to appear and defend.

His compensation.
Fees of witnesses.

sentence therein for life, notice in writing shall be given to the state's attorney of the county wherein such conviction was had, of such intended application, on or before the first day of the session of the general assembly to which it is preferred. And it shall be the duty of such state's attorney, to appear and defend against such application, and he shall have power to summon such witnesses as he may deem necessary, and the said state's attorney shall receive a reasonable compensation for his time and services; and also all witnesses summoned in behalf of the state shall be entitled to the fees for travel and attendance as are allowed witnesses in criminal causes pending and tried in the superior court.

Approved, July 11th, 1865.

CHAPTER XLIII.

An Act taxing certain Corporations. *

Be it enacted by the Senate and House of Representatives in General Assembly convened :

Secretaries, &c., of chartered and joint-stock corporations, to make annual returns to the comptroller.

Such corporations to pay annual tax of one-half of one per cent. on value of stock.

SEC. 1. The cashiers, secretaries, treasurers or clerks of the several corporations, other than those referred to in the proviso in this section, which have been or may be incorporated by, or located or established in, this state, under special charters, or any joint stock or other general law, and whose stock of property is liable to taxation in this state, shall, within the first ten days of October, A. D., 1865, and within the first ten days of October in each year thereafter, make out under oath, and return to the comptroller of public accounts, true lists or statements of the number of shares of stock in their respective corporations, and the market value of such shares, respectively, on the first day of the month in which such statements are herein required to be made. And each corporation herein required to make such returns shall, on or before the twentieth day of each October hereafter, pay or cause to be paid to the treasurer of this state, for the use of the state, a sum equal to one half of one per cent. of the market value of

all the stock of such corporation; but nothing herein contained shall be construed as exempting the stock in any of said corporations, owned or held by persons residing in the state, from taxation in the manner now by law provided; and said cashiers, secretaries, treasurers or clerks shall make to the assessors of the several towns of this state, the returns required by any existing law. *Provided however*, that this act shall not be construed as including, or in any manner applicable to, any savings bank, society for savings, or building association, or any railroad, horse railroad, telegraph or express company, or any insurance company conducted in whole or in part upon the plan of mutual insurance; or any other company or corporation whatever which has, or on or before the first day of August, A. D., 1865, shall have paid to the treasurer of this state, the tax of one-fourth of one per cent. imposed upon such company or corporation by the fifth section of an act entitled "An Act in addition to and in alteration of An Act for the Assessment and Collection of Taxes," approved July 9th, 1864.

Stock not hereby exempted from local taxation.

Certain corporations exempted.

Exemption by payment of tax under law of 1864.

SEC. 2. Said fifth section of the act last above mentioned is hereby repealed. *Provided however*, that this act shall not take effect until the first day of August, A. D. 1865.

Approved, July 11th, 1865.

CHAPTER XLIV.

An Act relating to Electors and Elections in the Town and City of Bridgeport.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

SEC. 1. That the town and city of Bridgeport is hereby divided into three districts for the purpose of accomodating the electors of said town and city in voting at electors' meetings, and town and city meetings held for the choice of town and city officers to be voted for by ballot, as follows, viz: So much of said town as lies westerly of Bridgeport harbor and Pequonnock river and

Bridgeport divided into voting districts.

First District.

southerly of a line, commencing at the boundary line between Bridgeport and Fairfield, and running easterly on the center of Pequonnock street to the center of Washington avenue, thence on the center of Washington avenue to the center of Congress street, thence on the center of Congress street to the center of Maine street, and thence easterly between the houses of George Smith and Michael Gray, on the east side of Main street to Pequonnock river, shall be and remain the First District.

Second District. So much of said town as lies northerly of said First District and westerly of said Pequonnock river, shall be and remain the Second District. And so much of said town as lies easterly of said Pequonnock river shall be and remain the Third District.

Third District.

Town and city meetings, for elections, how to be warned. SEC. 2. The constables of the town of Bridgeport, in warning the electors' meetings, herein provided for, and the selectmen in warning all town meetings, held for the choice of town officers voted for by ballot, shall, in addition to the warning now required by law, give notice in such warning that ballot-boxes will be opened in the several districts aforesaid, for the reception of the votes of the electors of said town residing in said districts; and the mayor of said city, in warning all city meetings of said city for the choice of city officers voted for by ballot, shall, in addition to the warning now required by law, give notice in such warning that ballot-boxes will be opened in the several districts, for the reception of the votes of the electors of said city residing in said districts within the limits of said city.

Selectmen to provide places for voting. SEC. 3. The selectmen of said town shall provide suitable and convenient places for voting at such electors' town and city meetings, in each of said districts, and shall give notice thereof at least one week before the day of such meetings by publishing such notice in all the daily newspapers published in said Bridgeport.

Electors to vote in their respective districts. SEC. 4. At the electors' meetings for the election of electors of President and Vice President of the United States, and at the annual electors' meetings for state officers and other officers required by law to be voted for at such meetings, and at all town meetings for the choice of town officers voted for by ballot, and all city meetings for the choice of city officers voted for by ballot, the electors of said town and city shall give in their ballots for such officers as are or may be required by law to be balloted for at such meetings, in the several dis-

tricts where the electors are respectively registered on the corrected list hereinafter mentioned.

SEC. 5. All annual town meetings of said town for the choice of town officers to be voted for by ballot, and all annual city meetings of said city, for the choice of city officers, to be voted for by ballot, except the annual meetings of said town and city for the year 1865, shall be had and held each year on the same day as is by law fixed for the election of State officers, and the ballot-boxes for receiving such ballots for said town and city officers, as well as those for receiving ballots for such state officers and other officers required by law to be voted for on that day, shall be opened at seven o'clock in the forenoon and shall be closed at five o'clock in the afternoon of said day, in each of said districts.

Time of holding annual town and city elections.

SEC. 6. At all annual town meetings of said town, provided by section five of this act, the following officers of said town shall be chosen and voted for by ballot, with the name and office fairly written or printed on one piece of paper, designating the office against or above the name of each person voted for, to wit: the selectmen, town clerk, registrar, treasurer, grand jurors, constable and collector of state and town taxes, constables, treasurer of school fund, board of education, assessors and board of relief, and registrars of voters; and at all annual city meetings of said city provided by section five of this act, all the officers of said city now required by its charter to be voted for by ballot, and a collector of city taxes, shall be chosen and voted for by ballot, with the name and office fairly written or printed on one piece of paper, designating the office against or above the name of each person voted for.

What town officers are to be chosen by ballot, on one piece of paper.

City officers.

SEC. 7. The selectmen of said town shall provide for each district five ballot boxes, one plainly marked "State Officers," in which all ballots containing the names of state officers and other officers now required by law to be voted for on the same ballot shall be deposited; and one plainly marked "Representative," in which all ballots for representatives shall be deposited; and one plainly marked "Justice of the Peace," in which all ballots for justice of the peace shall be deposited; and one plainly marked "Town Officers," in which all ballots for town officers shall be deposited; and one marked "City Officers," in which all ballots for city officers shall be deposited; and any ballot found in

Ballot boxes.

any of said boxes other than the one designated for such ballot shall not be counted.

When there is an equality of votes, the meeting to be adjourned.

SEC. 8. In case at any such election there shall fail to [be] a choice of a representative, justice of the peace, or any town or city officer, by reason of an equality of votes for any number of candidates, for either of said respective officers, then said meeting shall stand adjourned to the next following Monday, at the same hour of the day as when first held, and the election for such representative, justice of the peace, or town or city officer shall be proceeded with in the same manner and determined by the same rule as the election on said first day.

Town officers not voted for by ballot, when to be elected.

SEC. 9. The annual town meeting of said town for the choice of all town officers not herein required to be voted for by ballot, shall be held each year on the second Tuesday following said day by law fixed for the election of state officers, and shall be holden at some one place in said town indicated by the selectmen in their warning for such meeting.

Presiding officer.

SEC. 10. At all electors' town and city meetings provided for by section five of this act, the selectmen and town clerk of said town shall designate and appoint a presiding officer of such meetings, who shall preside at the place of voting in the first district, and shall also designate and appoint for his assistance in the duties of said office, an assistant presiding officer in each of the other districts, with such other assistant presiding officers as they may deem needful, which said assistant presiding officers shall be resident in the district in which they are severally appointed to act, and they shall preside at the place of voting in said district to which they are severally designated, and shall have all the powers and perform all the duties within said district, of the presiding officers at electors' meetings, except as herein otherwise provided.

Assistants.

Ballots, how counted and declared.

SEC. 11. Immediately after the ballot-boxes are closed the presiding officer and his assistants in the several districts shall, with the aid of the civil authority then present, and such other persons as said presiding officer may select, proceed in their respective districts to sort and count the ballots which have been given in, in said districts; and said assistant presiding officers in each district shall make a true certificate of all the ballots given for officers voted for in their several districts,

and shall forthwith transmit such certificates together with the ballots received and the ballot-boxes containing the same, and the list of votes as checked, to the presiding officer in the first district; and thereupon the presiding officer in said first district, after having ascertained the result of the ballots in the whole town and city as given in the several districts as aforesaid, shall declare the same in open meeting at the place of voting in said first district, and said presiding officer in said town shall make out the list of votes given in said town and make return thereof in the manner now prescribed by law for presiding officers of electors' meetings. Returns of votes.

SEC. 12. That at each town meeting of said town held for the choice of town officers as provided by section five of this act, the legal voters of said town shall choose by ballot, as provided by section six of this act, two electors residing in each voting district of said town to be registrars of voters for the year ensuing for their respective districts, but no person shall vote for more than one of said registrars for each of said voting districts, and the two persons having the highest number of votes for registrars of each district shall be declared elected; and said registrars shall at least three weeks before the day of holding any election for the choice of state, town and city officers, as provided by section five of this act, or for the choice of electors of President and Vice President of the United States, prepare a list as nearly perfect as is practicable, of the names of all the electors who are entitled to vote at the ensuing election in the district for which said registrars are respectively elected, which names shall be alphabetically arranged, and opposite the name of each person in said list the name of the street in which he resides, and the number of his residence in said street, or its location therein as nearly as may be, shall be written; and said lists shall be printed by said registrars in a convenient form, and be circulated by them in their respective districts, and said registrars shall, in said printed lists, and by publishing at least three days in all the daily papers published in said town, give notice of the time when and the places where they will hold at least four meetings within the twelve days next following the publication of said list of voters, for the purpose of making any proper corrections by additions, erasures, or other alterations in said lists; and one week before the day of holding either of said Registrars, how chosen.
To prepare lists of voters,—
And print the same.
Corrected lists.

elections said registrars shall publish corrected lists of all those who are already entitled to vote at said elections, and those who claim to said registrars that they shall be legally entitled to become voters at the ensuing election, and that their legal qualifications will mature subsequently to the completion of said corrected list, which last class of names shall be under the title "To be made," and such registrars shall give a copy of such corrected list to any elector asking for the same, and shall also deposit a certified copy of the same in the town clerk's office one week before the day of such election.

Registry of voters
on certificates
from other
towns.

SEC. 13. Whenever said registrars in the performance of their duties shall, prior to the completion of said corrected list, find any elector of this state residing in their respective districts, who may be entitled to vote in their respective districts, and who claims to have been admitted an elector in some other town, and who shall present to said registrars a certificate from the town clerk of said town of that fact, said registrars shall, after having satisfied themselves of the genuineness of said certificate and the identity of the person claiming under the same, enter the name and residence of such elector on their respective lists, and add thereto the words "By certificate from —," (therein naming the town from which said elector's certificate came;) but the name of no elector shall be placed on such list unless, in addition to proof that he is a legally qualified elector of this state, he shall also furnish proof, if required, that he has, or will have, resided in said town, where said registrars reside, the period of four months immediately preceding the day of the ensuing election, which certificate shall be taken by said registrars and lodged by them in the town clerk's office.

Appeal from reg-
istrars to board
of selectmen.

SEC. 14. Whenever said registrars shall, prior to the day for the completion of said corrected list, refuse to place the name of any elector, or other person claiming he will before the day of said election be qualified to become an elector entitled to vote at such electors' town and city meetings, or whenever said registrars shall, prior to the day for the completion of said list, erase the name of any person placed by them on said first list, then such person or elector may appeal from the decision of said registrars to the board of selectmen and town clerk; and said registrars shall certify to said board the

reasons of their making such erasure, or refusing to place such name on said list when said appeal is taken ; and said board shall, at some one or more of their meetings hereinafter provided for, proceed to examine under oath such person or elector, and such other persons as may appear either in behalf or against his claims ; and if said elector or person shall prove to the satisfaction of said board that his name was erased or omitted from said registry list by fraud or clerical error, they may direct the registrars to add his name to said registry list.

SEC. 15. No person shall be entitled or allowed to vote for any officer at any electors' meeting or at any election holden in said town as provided by sections five and six of this act, whose name is not on the list in the district where he offers to vote, and said registrars shall not, on election day, add the name of any person to said corrected list unless upon proof that his name appeared upon the original list, and was omitted from said corrected list by fraud or clerical mistake.

No person may vote whose name is not registered.

SEC. 16. It shall be the duty of each registrar, immediately after his election, to appoint a deputy registrar, whose name and appointment shall be deposited with the town clerk of said town of Bridgeport, and shall be by said town clerk recorded on the town records, at the end of the record of the town meeting at which said registrars were elected ; and in case said registrar shall from any cause be unable to perform the duties of his office, then the deputy registrar shall perform the duties of the office of registrar during the time of the inability of the registrar to act ; and in case of the death or resignation of the registrar, then said deputy registrar shall become the registrar, and shall immediately appoint another person to the office of deputy registrar ; and in case of the death or resignation of any deputy, the registrar shall immediately appoint another person to the office of deputy registrar, all which said appointments shall be immediately deposited with said town clerk, and by him be duly recorded.

Deputy registrars to be appointed.

SEC. 17. The registrars and deputy registrars shall, before entering upon the duties of their office, take the oath by law provided for executive officers, and lodge a certificate of the fact with the town clerk, who shall keep the same on file, and note the fact on the town records.

Registrars and deputies to be sworn.

Registrars may administer oaths.

SEC. 18. The registrars and their deputies shall have the right to administer oaths or affirmations, whenever in the discharge of any of the duties of their office they or either of them shall deem it necessary or proper to take the testimony of any person whatsoever regarding the right of any person to vote or to be made a voter. The form of the oath to be administered by the registrars and their deputies shall be as follows: "You solemnly swear that concerning the matter now in question, you will tell the truth, the whole truth, and nothing but the truth, so help you God." And the said registrars and their deputies shall keep a record of the names and residence and testimony of all persons to whom said oath or affirmation was administered; and any person who shall swear falsely before said registrars or their deputies, shall be deemed to be guilty of the crime of perjury, and punished with the penalty thereof.

Registrars to attend, at the ballot-boxes.

SEC. 19. It shall be the duty of the registrars to be at the ballot-boxes in their respective voting districts in each of the elections for state, town and city officers, and the elections for presidential electors in said town, held during the year for which they were elected, to hear and decide any questions pertaining to them under this act, and to keep a list of the names and residences of all persons voting at their respective districts, and to check the names of all such persons so voting on said corrected registry list, which said list, so checked and the number of names voting thereon, together with said record of names, shall be certified by said registrars immediately on the closing of said ballot-boxes, and deposited in the office of the town clerk in said town, and be open to the inspection of any elector of said town; and if any person whose name is not on the registry list shall vote, or attempt to vote, at any of the elections named in this act, on the name of any other person whose name is on said list, he shall pay a fine of one hundred dollars and be imprisoned one year in the county jail.

To keep a list of voters.

Check-list to be certified, &c.

Penalty for voting on the name of another person.

Penalty for altering registry list; for receiving illegal votes, or for refusing the vote of a registered voter.

SEC. 20. If any person, other than the registrars, shall make any alterations, by additions, erasures or otherwise, in the lists prepared by said registrars, or if the officer presiding at any of said districts, at any of the elections named in this act, or any other person having charge of the ballot-box at any of the districts aforesaid, at any of the elections aforesaid, shall

allow any person to deposit his vote therein, whose name is not on the registry list of such district, or shall refuse to allow any person to vote, whose name is on such registry list of such district, he shall be punished by a fine of not less than fifty dollars, nor more than one hundred dollars, or by imprisonment in the county jail not exceeding three months, or by such fine and imprisonment both.

SEC. 21. The compensation of the registrars and deputy registrars shall be fixed by the selectmen of said town of Bridgeport, and all expenses incurred by the registrars for printing lists of electors and all other necessary expenses incurred by them in the discharge of their duties having been first audited and approved by said selectmen, shall be paid by the treasurer of said town.

Compensation of registrars and deputy.

SEC. 22. The board of selectmen and town clerk of said town shall meet at such convenient place in said town as they may appoint, on the Monday of the third week preceding the week on which the elections in this act mentioned are held, for the purpose of deciding upon all applications to be admitted to the privileges of an elector, and hearing such appeals as may then be taken from said registrars as aforesaid, and on the Tuesday, Wednesday and Thursday of the second week preceding the week of such election, and on said last mentioned day they shall adjourn to the Tuesday preceding the week of such election, which shall be its last session, for the purpose only of hearing and deciding upon all appeals that may, up to the day for the completion of the corrected list as aforesaid, be taken to said board, and shall continue in session from nine o'clock in the forenoon till five o'clock in the afternoon, and no longer on each of said days; and said board at their said last session shall not admit any person to the privileges of an elector, except those who have taken an appeal as aforesaid from the registrars, and those whose names are on the corrected list under the title "to be made." And it shall be the duty of said registrars, on the day after the last mentioned meeting of said board, to attend at the office of said town clerk, and then and there finally correct said lists, together with said lists certified by them in said office, in accordance with the action of said board at their said last mentioned meeting.

Meetings of board for deciding on applications, and hearing appeals.

Admission on
papers of natu-
ralization.

SEC. 23. When any person exhibits to the said board at any of their said meetings, prior to their last meeting, as above mentioned, papers of naturalization issued to him in due form by a court having jurisdiction, if said board is satisfied of the genuineness of such papers, and that they were issued to the person presenting them, they shall approve them by a written endorsement thereon, with the date thereof, signed by the town clerk of said town, and if such applicant shall have the other legal qualifications for an elector, they shall admit him in due form.

Town clerk to
keep record of
certificates giv-
en.

SEC. 24. Whenever the town clerk of said town shall give a certificate to any person that he was made an elector in said town, it shall be his duty to keep a record of the name of such elector, the date when such certificate was granted, to whom given, and the name of the town where such certificate is to be used.

Penalty for re-
fusal or neglect
of duty, by off-
icers; and for vi-
olations of this
act.

SEC. 25. If any officer named in this act shall without just or reasonable cause refuse or neglect to discharge any of the duties herein prescribed, he shall, on conviction, be punished by a fine of three hundred dollars; or if any officer named in this act shall wilfully violate any of the provisions of this act, or if the town clerk of said town shall give a false certificate to any person, such officer or town clerk shall be punished by a fine not less than three hundred dollars, nor more than five hundred dollars, and by imprisonment in the common jail not less than three months and not exceeding nine months.

Registrars to dis-
tinguish in lists
between voters
within and with-
out the city lim-
its.

SEC. 26. The said registrars and deputy registrars of the second and third districts aforesaid, shall so separate their said lists required to be made by them under this act, that said lists respectively shall show the names of the electors of said town residing in said respective districts, within the limits of said city, distinct and separate from the electors of said town in said districts outside of the limits of said city. And any person whose name is not on the said list as an elector in such district within the limits of said city, who shall vote or attempt to vote for any officer of said city, and any presiding officer who shall, in either of said last mentioned districts, allow any such person to vote for any city officer, shall be punished by a fine of not less than fifty nor more than one hundred dollars, or by imprisonment in the county jail not more than three months, or by such fine and imprisonment both.

Penalty for giv-
ing, or receiving,
illegal votes in
city elections.

SEC. 27. It shall be the duty of either of the grand jurors of said town to prosecute any violation of this act. Grand jurors to prosecute violations.

SEC. 28. The next annual town and city meetings for the choice of all town and city officers of said town and city of Bridgeport, provided by section sixth of this act, including registrars of voters, shall be holden on the first Monday of October, A. D., 1865, all of which said officers then elected, shall hold their respective offices till others are elected in their stead, as provided by section six of this act. And the selectmen of said town shall on or before the first day [of] August, A. D. 1865, appoint two registrars of voters in each of said districts, who shall be resident in the districts to which they are respectively appointed; and said registrars so to be appointed in each district shall be selected one from each of the two now existing political parties. And said registrars shall proceed to make registry lists and do and perform all the duties provided for registrars of election in this act; and said elections in this section provided shall proceed and be conducted in the same manner and in all respects according to the directions for future elections under this act. Annual town and city elections to be held in October, 1865. Selectmen to appoint registrars.

SEC. 29. Sections ten, eleven, twelve, thirteen, fourteen and fifteen, of "An Act in addition to and in alteration of 'An Act amending the Charter of the City of Bridgeport,'" passed May session, 1864, and such other portions of the charter and by-laws of the city of Bridgeport, inconsistent herewith, are hereby repealed; and all acts and parts of acts inconsistent herewith, and the act entitled "An Act to provide for the more perfect Registration of the names of Electors of this State," passed May session, 1860, be, and the same are hereby declared to be not applicable to or in force in said town of Bridgeport.

Approved, July 11th, 1865.

CHAPTER XLV.

An Act in addition to "An Act relating to Salaries and Fees."

Be it enacted by the Senate and House of Representatives in General Assembly convened :

Fees of sheriffs
and constables.

The fees of sheriffs and constables shall be as follows, to wit: each sheriff attending the supreme court of errors or the superior court, three dollars per day. For each mile of travel by sheriffs, constables or other persons, to serve writs or other civil process, ten cents per mile, to be computed from the place of the officer's abode to the place of service, and from thence to the place of return, together with the expenses incurred in making such service as are allowed by the act to which this is an addition.

Approved, July 11th, 1865.

CHAPTER XLVI.

An Act in addition to an Act entitled "An Act relating to certain State Officers and to the Treasury Department."

Be it enacted by the Senate and House of Representatives in General Assembly convened :

State printing to
be done under
the direction of
the comptroller.

SEC. 1. That it shall be the duty of the comptroller of public accounts, to procure the state printing to be done during his term of office, in such manner as he shall deem to be for the best advantage of the state.

Comptroller's re-
port to include a
statement of the
printing ;—

SEC. 2. The comptroller shall make, in his annual report to the general assembly, a statement of the items of printing procured to be done as aforesaid, including in said statement the number of copies of the public acts; of the private acts and resolutions; of the several reports now by law required to be printed, and of the journals of the houses of the general assembly; the cost of printing each of the same;

with the cost.

together with the items of all other printing procured to be done, and the cost of such other printing.

SEC. 3. All acts and parts of acts, and all resolutions, inconsistent herewith are hereby repealed.

SEC. 4. This act shall take effect from and after the first day of January, 1866. To take effect January 1, 1866.

Approved, July 11th, 1865.

CHAPTER XLVII.

An Act in addition to "An Act in relation to Drains and Drain Companies."

Be it enacted by the Senate and House of Representatives in General Assembly convened :

SEC. 1. The scavengers of any drain company may, from time to time, make such corrections and alterations in the assessment of the quantity of land, or proportion of benefit set to any proprietor, as may be necessary to correct any manifest error therein, and certify their corrections so made, to the clerk of said company for record. Scavengers may correct assessment lists of the proprietors.

SEC. 2. The proprietors of any drain company at their annual meeting, or at a special meeting duly warned for that purpose, may direct their scavengers to make a new assessment of the quantity of land, and proportion of benefit, as now provided to be made once in five years; and when so made and recorded, said assessment shall have the same effect, as though five years had expired since the last assessment was made. Proprietors may order new assessment lists to be made.

Approved, July 11th, 1865.

CHAPTER XLVIII.

An Act in addition to an Act entitled "An Act for the protection of Sheep Culture."

Be it enacted by the Senate and House of Representatives in General Assembly convened :

Town clerks to pay over moneys received, to the town treasury, from time to time.

Penalty for refusal to pay over, or for fraudulently withholding money.

It shall be the duty of every town clerk to whom moneys shall be paid under the provisions of the act to which this is in addition, for the benefit of the treasury of his town, to pay over said moneys, from time to time, as he shall receive them, without unnecessary delay, to the treasurer of said town ; and every such town clerk who shall willfully and fraudulently withhold any such moneys from said treasurer, and refuse to pay over the same to said treasurer, shall be punished by a fine not exceeding two hundred dollars.

Approved, July 11th, 1865.

CHAPTER XLIX.

An Act authorizing the City of Hartford to build a State House.

Be it enacted by the Senate and House of Representatives in General Assembly convened :

City of Hartford authorized to build a State House,—

when this act is approved by a city meeting.

Special meeting, how to be called.

Voting to be by ballot.

SEC. 1. It shall be lawful for "The City of Hartford," to build, at their own expense, within the limits of said city, for the use of this state, a State House.

SEC. 2. Said State House shall not be built, and no contract for the building thereof shall be made, until the freemen of said city shall first approve this act in the manner herein prescribed. A special meeting of said city shall be called by the mayor of said city, in the manner provided by the ordinances of said city for calling special meetings thereof, for the purpose of approving or disapproving this act. The vote at said meeting shall be by ballot, and shall be cast by the freemen of said city, either in their respective wards

or at some one place in said city, as the mayor in his order calling said meeting shall prescribe. The ballot box (or ballot boxes, as the case may be) shall be opened at seven o'clock in the forenoon, and close at five o'clock in the afternoon of the day of said meeting. Upon each ballot shall be written or printed the word "Yes," or the word "No." If a majority of the ballots cast at said meeting shall have upon them the work "Yes," then this act shall be deemed approved by the freemen of said city, otherwise not.

Ballot boxes,
when to be open-
ed, and closed.

Manner of ap-
proval.

SEC. 3. If this act shall be approved in the manner provided for by section second of this act, the court of common council of said city shall therefore have power to provide, in such manner as they shall see fit, for the construction of said State House; and shall have power to appoint an agent or agents authorized in the name and behalf of the city of Hartford, to make any contract or contracts, and do any other lawful acts for the purpose of carrying into effect the intent of this act.

If this act is ap-
proved, the court
of common coun-
cil may provide
for construction
of State House.

May appoint an
agent to con-
tract, &c.

SEC. 4. Said State House shall be located in such place, and constructed in such manner, as the authorities of said city shall direct, subject, however, to the approval of the governor, lieutenant-governor and secretary of state for the time being.

State House how
to be located.

SEC. 5. Said State House shall be constructed within three years from the commencement of the present session of the general assembly.

To be construct-
ed within three
years.

SEC. 6. For the purpose of defraying the expenses of constructing said State House, and of purchasing the land on which the same shall be built, the city of Hartford is hereby authorized to issue bonds, notes and other certificates of debt, with or without coupons attached, under their corporate name and seal, bearing interest at no greater rate than six per cent. per annum, payable semi-annually, to such an amount as shall not exceed the total amount of said expenses, said bonds, notes or other certificates of debt shall be executed under said corporate name and seal by such person or persons as shall be appointed by said court of common council for the purpose, and said court of common council may prescribe the amounts for which said bonds, notes or other certificates of debt shall be severally issued, the form thereof, the rate of interest to be paid thereon, the time of paying said interest, and the times of paying the principal thereof.

City may issue
bonds, to provide
for expenses of
building.

Interest of the
State in the pres-
ent State House,
conveyed to the
city.
Proviso.

SEC. 7. All the right, title and interest of this state in and to the State House now located in said city and in and to the appurtenances thereof, are hereby conveyed to the city of Hartford; *provided however*, that this conveyance shall be void, unless said new State House shall be built for the use and ownership of this state in accordance with the provisions of this act.

Approved, July 11th, 1865.

CHAPTER L.

An Act authorizing the City of New Haven to build a State House.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Authorizing the
city of New Ha-
ven to build a
State House.

SEC. 1. It shall be lawful for the mayor, aldermen, common council and freemen of the city of New Haven to build, at their own expense, within the limits of said city, for the use of this state, a State House.

This act to be
first approved by
a city meeting.

SEC. 2. Said State House shall not be built, and no contract for the building thereof shall be made, until the freemen of said city shall first approve this act in the manner herein prescribed. A special meeting of said city shall be called by the mayor of said city, in the manner provided by the by-laws of said city for calling special meetings thereof, for the purpose of approving or disapproving this act. The vote of said meeting shall be by ballot, and shall be cast by the freemen of said city either in their respective wards, or at some one place in said city, as the mayor in his order calling said meeting shall prescribe. The ballot-box (or ballot-boxes as the case may be) shall be opened at seven o'clock in the forenoon, and closed at five o'clock in the afternoon of the day of said meeting. Upon each ballot shall be written or printed the word "Yes" or the word "No." If a majority of the ballots cast at said meeting shall have upon them the word "Yes," then this act shall be deemed approved by the freemen of said city; otherwise not.

How called.

Vote to be by
ballot.

Manner of ap-
proval.

After approval
by the city, the
court of common

SEC. 3. If this act shall be approved in the manner provided for by section second of this act, the court of

common council of said city shall thereupon have power to provide, in such manner as they shall see fit, for the construction of said State House; and shall have power to appoint an agent or agents authorized in the name and behalf of "the mayor, aldermen, common council and freemen of the city of New Haven," to make any contract or contracts, and do any other lawful acts for the purpose of carrying into effect the intent of this act.

council may provide for building a State House.

May appoint agents.

SEC. 4. Said State House shall be located in such place and constructed in such manner as the authorities of said city shall direct, subject however to the approval of the governor, lieutenant-governor, and secretary of state for the time being.

Location.

SEC. 5. Said State House shall be constructed within three years from the commencement of the present session of the General Assembly.

To be constructed within three years from May 8, 1865.

SEC. 6. For the purpose of defraying the expenses of constructing said State House, and of purchasing the land upon which the same shall be built, "the mayor, aldermen, common council and freemen of the city of New Haven" are hereby authorized to issue bonds, notes and other certificates of debt, with or without coupons attached, under their corporate name and seal, bearing interest at no greater rate than six per cent. per annum, payable semi-annually, to such an amount as shall not exceed the total amount of said expenses. Said bonds, notes or other certificates of debt, shall be executed under said corporate name and seal, by such person or persons as shall be appointed by said court of common council for that purpose; and said court of common council may prescribe the amounts for which said bonds, notes or other certificates of debt shall be severally issued, the form thereof, the rate of interest to be paid thereon, the times of paying said interest, and the times of paying the principal thereof.

City of New Haven may issue bonds for defraying the expenses of construction, &c.

SEC. 7. All the right, title and interest of this state in and to the State House now located in said city, and in and to the appurtenances thereof, are hereby conveyed to "the mayor, aldermen, common council and freemen of the city of New Haven:" *provided however*, that this conveyance shall be void unless said new State House shall be built for the use and ownership of this state, in accordance with the provisions of this act.

Conditional conveyance of the present State House to the city of N. Haven.

Approved, July 11th, 1865.

CHAPTER LI.

An Act concerning Truant Children, Vagrants, and Absentees from School.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Towns authorized to make and enforce by-laws respecting truant children and vagrant children.

SEC. 1. Each town may make all needful provisions and arrangements concerning habitual truants, and also concerning children wandering about the streets or public places of any city or town, having no lawful occupation or business, nor attending school, and growing up in ignorance, between the ages of seven and sixteen years; and may also make such by-laws respecting such children as shall be most conducive to their welfare and the good order of such city or town; and there shall be annexed to such by-laws suitable penalties not exceeding twenty dollars for any one breach. *Provided*, that said by-laws shall be approved by the superior court sitting in any county in the state.

Penalties not to exceed twenty dollars.

Provided.

Truants and vagrant children may be committed to town or city house of reformation, or other suitable situation

SEC. 2. Any minor convicted of being an habitual truant, or any child convicted of wandering about in the streets or public places of any city or town, having no lawful business, nor attending school, and growing up in ignorance, between the ages of seven and sixteen years, may, at the discretion of the justice or court having jurisdiction of the case, instead of the fine mentioned in the first section, be committed to any such institution of instruction, house of reformation, or suitable situation provided for the purpose by such city or town under the authority of the first section, for such time not exceeding two years, as such justice or court may determine.

Who may prosecute for violations of such by-laws.

SEC. 3. The several cities and towns may appoint at the annual meetings of such towns, or annually by the mayor and aldermen of such cities, three or more persons, who alone shall be authorized to prosecute for violation of such by-laws.

Warrants, before whom returnable.

SEC. 4. Warrants issued under this chapter shall be returnable before any justice of the peace, or judge of the police court of the town or city: and the justice or judge shall receive such compensation as the city or town shall determine.

Compensation of justice or judge.

Approved, July 11th, 1865.

CHAPTER LII.

An Act in alteration of an Act, entitled "An Act to prevent Injuries and Destruction of Life upon Railroads, and by Railroad Trains."

Be it enacted by the Senate and House of Representatives in General Assembly convened :

SEC. 1. That all suits or prosecutions for any violations of the provisions of said act shall be commenced within one year after the cause of action shall arise.

Limitations of prosecutions for violations of act to prevent injuries on railroads, &c.

SEC. 2. That section twenty-first of the act to which this is an addition, be, and the same is hereby repealed.

Repeal of 21st section of act of 1853.

SEC. 3. This act shall not affect any suit now pending.

Not to affect pending suits.

Approved, July 11th, 1865.

CHAPTER LIII.

An Act in alteration of "An Act relating to Firemen."

Be it enacted by the Senate and House of Representatives in General Assembly convened :

That all persons who shall be members of any fire company, authorized by and organized under the laws of this State, shall not, by reason of such membership, be exempt from the payment of poll taxes, or the performance of military duty, unless the company or organization to which they belong, shall be provided with an efficient engine, and they shall, at least four times in each year, be ordered out for drill and exercise with the same.

Members of fire companies not provided with engines, not exempted from poll tax or military duty.

Approved, July 11th, 1865.

CHAPTER LIV.

An Act in addition to an Act, entitled "An Act in addition to and in addition of an Act for the due Observance of the Sabbath or Lord's day."

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Prosecutions may be heard and determined by a justice of the peace.

SEC. 1. That all prosecutions for the violation of the act entitled "An Act in addition and in alteration of an Act for the Observance of the Sabbath or Lord's day," approved, June 19, 1860, may be heard and determined by a justice of the peace, subject to the right of appeal.

Repeal.

SEC. 2. That all acts and parts of acts inconsistent with the foregoing section, be and the same are hereby repealed.

SEC. 3. This Act shall take effect from and after the date of its passage.

Approved, July 11th, 1865.

CHAPTER LV.

An Act in addition to an Act entitled "An Act concerning Crimes and Punishments."

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Penalty for fast riding or driving on bridges.

SEC. 1. That every person who shall ride or drive any horse, team, or carriage of any kind, upon any bridge in this state, over a river, in a faster gait than a walk, shall be punished by a fine not exceeding seven dollars, or by imprisonment in the county jail not exceeding thirty days, or by such fine and imprisonment both. *Provided*, that the party or parties whose duty it is to keep such bridge in repair, shall constantly keep conspicuously posted at each end of such bridge, in full view of passers by, a painted sign or notification in the form following to wit: "The riding or driving any horses, teams, or carriages on this bridge in a gait faster than a walk, is by law prohibited."

Proviso.

Form of notice.

SEC. 2. All offences against the next preceding section, may be prosecuted upon the complaint of a grand juror, and before a justice of the peace, of any town in which such bridge is in whole or in part situated.

SEC. 3. The thirty-third, thirty-fourth and thirty-fifth sections of the act in addition thereto, approved, July 10th, 1862, and all acts and parts of acts inconsistent herewith are hereby repealed.

Approved, July 11th, 1865.

CHAPTER LVI.

An Act in addition to an Act entitled "An Act regulating and protecting the Planting of Oysters."

Be it enacted by the Senate and House of Representatives in General Assembly convened:

SEC. 1. That all the provisions of sections forty-eight, forty-nine, fifty and fifty-one, of "An Act for Encouraging and Regulating Fisheries," be, and the same are hereby extended and made applicable to actual inhabitants and residents of this State, who shall take, rake, gather or otherwise disturb and injure any oysters planted by any person or persons in the navigable waters of this State, in places or grounds designated by committees appointed by towns for that purpose, or authorized by the act of 1855, regulating and protecting the planting of oysters, and staked out in conformity with such designation, a description of such grounds being lodged with the town clerk of the town wherein the grounds so designated shall lie.

Penalties for the taking of oysters by non-residents, extended to oyster grounds designated by town committees.

SEC. 2. Be it further enacted, that any person or persons other than the committee appointed by law for that purpose, as persons authorized by said committee, who shall stake out or inclose any of the public grounds of the navigable waters of this State, shall be punishable with a fine not less than ten and not exceeding fifty dollars; one-half to be paid to the complainant, and the balance to the treasurer of the town wherein the offence is committed.

Penalty for the illegal staking or inclosure of oyster grounds, in navigable waters.

Repeal.

SEC. 3. That section ten of an act entitled "An Act regulating and protecting the Planting of Oysters," be, and the same is hereby repealed.

SEC. 4. That all acts or parts of acts inconsistent herewith, be, and the same are hereby repealed.

Approved, July 11th, 1865.

CHAPTER LVII.

An Act in addition to "An Act relating to the Domestic Relations."

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Clerks of superior court, to return divorces to state librarian.

The clerks of the superior court in the several counties shall, at the close of each term of the said court in their respective counties, make a return to the state librarian of the number of divorces granted at said term, and the cause for which they were severally granted, which information shall be tabulated by the librarian and published in the report on the registration of births, marriages and deaths.

Approved, July 11th, 1865.

CHAPTER LVIII.

An Act in addition to an Act entitled "An Act in addition to an Act entitled 'An Act to prevent Animals running at large upon the Public Highways.'"

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Penalty for rescue of animals seized when at large, in public highway, &c.

If any person shall rescue any creatures seized and taken into custody under the provisions of the second section of the act, to which this is an addition, out of the hands or custody of the person or persons thus having seized or taken them, such person so offending

shall forfeit the sum of seven dollars, one-half of which forfeiture, shall be to the use of him who shall prosecute to effect and the other half to the treasury of the town where the offence is committed; and he shall also pay to the party injured, all the damages he shall sustain by such rescue; and when such rescue is effected by the children or servants of the owner or owners of the creatures, such owner or owners shall pay all the damages and forfeitures in the same manner as if done by themselves.

Rescuer to pay damages.

Owner to be liable when animals are rescued by his children, or servants.

Approved, July 11th, 1865.

CHAPTER LIX.

An Act relating to Recruiting in certain States.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

That an Act entitled "An Act in addition to an Act to provide for the payment of a bounty to Volunteers and for other purposes," approved, July 9th, 1864, be and the same is hereby repealed.

Repeal of act of 1864, providing for payment of bounties to volunteers.

Approved, July 11th, 1865.

CHAPTER LX.

An Act in addition to "An Act for the Protection of Sheep Culture."

Be it enacted by the Senate and House of Representatives in General Assembly convened:

SEC. 1. The selectmen in their respective towns, shall, on or before the fifteenth day of October, annually, post, or cause to be posted, in one or more conspicuous places in each school district, written or printed notices to the owners or keepers of every dog not registered and numbered, as is provided in the act to which this

Selectmen to post notices to owners and keepers of dogs not registered.

Penalty for neglect or refusal to kill, or to register dogs, after notice.

Forfeiture for neglect to post notice.

Fees for registering dogs.

Repeal:—

not to affect collection of taxes already levied.

is in addition, either to kill, or to register and number such dog within twenty days after such notice shall have been given; and all such dogs shall be presumed to be owned by the keeper, or occupier of the premises where such dog is kept or harbored. Any person who shall place upon his dog, for which a license has not been granted, a collar indicating that the same is licensed, shall, upon conviction be deemed guilty of a misdemeanor and subject to a fine of seven dollars; and if any person shall neglect or refuse to kill, or to register and number such dog, within the time mentioned in such notice, he shall pay a fine of seven dollars to the treasury of the town where such owner or keeper resides, and in default of payment thereof, shall be committed to the work-house or common jail, for the period of thirty days. It shall be the duty of the first constable in each of their respective towns to cause a prosecution to be instituted for each violation of the preceding provisions of this section, and if any such constable shall neglect or refuse to discharge such duty he shall be punished by a fine of seven dollars.

SEC. 2. If the selectmen shall neglect or refuse to post, or cause to be posted, the notices provided in the preceding section, they shall forfeit the sum of fifty dollars, one-half to him who shall sue therefor and prosecute his suit to effect, and the other half to the treasury of the town in which such selectmen reside.

SEC. 3. The fees of town clerks for registering and numbering dogs, shall be fifteen cents instead of seventeen cents, as is provided in said act.

SEC. 4. The second, third, and fourth sections of said act are hereby repealed, but this repeal shall not affect the collection of any tax which has been already levied upon any dog not registered and numbered, but the collection thereof may be proceeded with and enforced in the same manner as if this Act had not been passed, nor shall this repeal affect any suit now pending.

Approved, July 11th, 1865.

CHAPTER LXI.

An Act relating to the Manufacture and Sale of Adulterated Liquors.

Be it enacted by the Senate and House of Representatives in General Assembly convened :

If any person shall manufacture, sell, or keep for sale any spirituous or intoxicating liquors which are adulterated with any deleterious or poisonous ingredients ; or shall manufacture, sell, or keep for sale any spirituous or intoxicating liquors, made and compounded in imitation of the liquors known as rum, gin, brandy, whiskey, cider-brandy, or wine, and which are adulterated with any deleterious or poisonous ingredients, every such person so manufacturing, selling, or keeping for sale any such adulterated liquor, or liquors made and compounded in imitation of the liquors named in this Act, and which contain deleterious or poisonous ingredients, shall be deemed guilty of a misdemeanor, and shall be punished by a fine not exceeding five hundred dollars, and by imprisonment in the common jail not exceeding one year, or by such fine and imprisonment both.

Penalty for manufacturing, selling or keeping for sale adulterated liquors.

Approved, July 11th, 1865.

CHAPTER LXII.

An Act repealing an Act entitled "An Act in addition to the Act relating to Salaries and Fees."

Be it enacted by the Senate and House of Representatives in General Assembly convened :

That the Act entitled "An Act in addition to the Act relating to Salaries and Fees," approved, July 11th, 1863; be, and the same is hereby repealed.

Approved, July 11th, 1865.

Repeal of act of 1863, prescribing fees of clerks of court for certificates, and of notaries for administering oaths, &c.

CHAPTER LXIII.

An Act for the Preservation of Fish.

Be it enacted by the Senate and House of Representatives in General Assembly convened :

Use of nets or seines, in lakes or ponds, prohibited.

SEC. 1. No person or persons shall hereafter draw or use any seine or net, for the taking of fish, in any of the lakes or natural ponds in this State.

Penalty.

SEC. 2. Every person so offending, shall be punished by a fine not exceeding twenty dollars, nor less than seven dollars for each and every fish so taken; one-half to him who shall sue therefor and prosecute to effect, and the other half to the treasury of the town where the offence was committed.

Repeal of former acts.

SEC. 3. All acts and parts of acts forbidding the drawing of any seine, or net, in any particular pond or natural lake within the State, are hereby repealed.

SEC. 4. This act shall take effect from and after its passage.

Approved, July 11th, 1865.

CHAPTER LXIV.

An Act confirming the doings of School Districts in certain cases.

Be it enacted by the Senate and House of Representatives in General Assembly convened :

Doings of school districts not invalidated by defect of notice:—

SEC. 1. That where a copy of the notice for a school district meeting may not have been left with the clerk, or a part of the committee may have neglected to sign such notice, or the same may have been informal, the doings of such meetings heretofore held, shall not therefore be deemed or held to be invalid.

—or by certain other defects, or omissions.

SEC. 2. That in all cases when a school district has laid a tax to defray its expenses and pay its indebtedness, but in the vote laying such tax has omitted to express the purposes for which the same was laid, the proceedings of such district, notwithstanding the said omis-

sion, shall, if otherwise conformable to law be adjudged valid; and any such tax now remaining unpaid may be collected in the same manner as if it might have been if the purposes for which the same was laid, has been expressed in the said vote; and the doings of any school district at any annual meeting heretofore held in October, including business continued from a previous meeting, shall be valid and legal, as if the meeting had been held in September.

SEC. 3. This act shall take effect from its passage; *provided*, it shall not affect any suit now pending.

Approved, July 11th, 1865.

CHAPTER LXV.

An Act in addition to "An Act for the Settlement of Estates Testate, Intestate and Insolvent."

Be it enacted by the Senate and House of Representatives in General Assembly convened:

That the commissioners appointed to receive and decide upon the claims of the creditors of any estate represented insolvent, shall, within ten days after their appointment, give by mail or otherwise, to all known creditors of such estate, written or printed notice of the times and places of their meetings on the business of their said appointment.

Notice of the meetings of commissioners on insolvent estates, to be given to the creditors.

Approved, July 11th, 1865.

CHAPTER LXVI.

An Act for the Protection of Sureties upon Probate Bonds.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

The surety upon the bond given by any executor, administrator, trustee or guardian, to any court of probate, may, at any time, without charging negligence or other

On application of the surety upon a probate bond, the court may require the prin-

principal to disclose
the condition of
the estate.

misconduct upon his principal, make application to said court for an order requiring said principal to exhibit and disclose fully before said court, the condition of the estate held by him as such executor, administrator, trustee or guardian, so that it may be ascertained whether said estate is being properly managed, or not, and whether said surety is in danger of being injured by the negligence or misconduct of his said principal, or not; and thereupon said court shall cause reasonable notice to be given, in such manner as said court shall prescribe, to said executor, administrator, trustee or guardian to appear and answer to said application. And if upon the hearing thereon the said court shall find that said application is made by said surety in good faith, and not for a vexatious purpose, said court shall make the said order. And if said executor, administrator, trustee or guardian shall refuse to obey said order, or if upon his obeying the same, said court shall find that said estate is not being faithfully managed by him, and that said surety is in danger of being injured by the negligence or misconduct of his said principal, then said court shall remove said executor, administrator, trustee or guardian from office, and appoint another in his place.

On hearing, the
court may re-
move the prin-
cipal, and appoint
another.

Approved, July 11th, 1865.

CHAPTER LXVII.

An Act in addition to "An Act concerning the Domestic Relations."

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Penalty for un-
dertaking, with-
out authority, to
join persons in
marriage.

SEC. 1. That whoever undertakes to join persons in marriage, knowing that he is not authorized so to do, shall pay a fine not exceeding five hundred dollars, or be imprisoned in the common jail not exceeding one year, or suffer such fine and imprisonment both, at the discretion of the court.

Marriages, other-
wise lawful, not
invalidated by
want of authority
in the person pro-

SEC. 2. No marriage heretofore solemnized before a person professing to be a justice of the peace, or minister of the gospel, or to be authorized to solemnize mar-

riages, shall be deemed or adjudged to be void, nor shall the validity thereof be in any way affected by want of jurisdiction or authority in such persons, if the marriage is in other respects lawful, and consummated with a full belief on the part of the persons so married or either of them that they have been lawfully joined in marriage; *provided*, that neither of said parties has since such unlawful marriage and during the life of the other of said parties thereto contracted a lawful marriage.

Approved, July 12th, 1865.

CHAPTER LXVIII.

An Act in addition to an Act entitled "An Act for the Regulation of Civil Actions."

Be it enacted by the Senate and House of Representatives in General Assembly convened:

If any writ shall be served by any officer authorized by law to serve the same, before said officer shall have given the bond by law required, said writ shall abate.

Writes to abate, if served by an officer who has not given bond.

Approved, July 12th, 1865.

CHAPTER LXIX.

An Act in addition to an Act entitled "An Act for the Regulation of Proceedings in Equity."

Be it enacted by the Senate and House of Representatives in General Assembly convened:

That the superior court, as a court of equity, may upon the petition of any person interested, order partition of any real estate held in joint tenancy, tenancy in common or coparcenary; and may appoint a committee for that purpose: and said court may, in like manner, make partition of any real estate held by said persons as tenants in tail: and the order and decree of the

Partition of real estate between joint tenants, tenants in common, or coparceners, by the superior court.

Decree to be binding on all parties to the proceeding and on the heirs of their bodies. court in such case shall not only be binding on the parties to the proceeding, but shall also be binding on all persons who shall thereafter claim title to said real estate as heirs of the bodies of said parties.

Approved, July 12th, 1865.

CHAPTER LXX.

An Act to protect public Wharves and Piers from Nuisances.

Be it enacted by the Senate and House of Representatives in General Assembly convened :

Penalty for depositing ballast, rubbish, &c., near public wharves and piers.

That no person or persons shall unlade, discharge, or place at in or opposite any of the public wharves and piers of this state, any ballast, rubbish, clam or oyster shells, or any other heavy materials which may tend to fill up the channel, and obstruct navigation to said public wharves and piers, erected on any of the navigable waters of this state ; and every person so offending shall be deemed guilty of a nuisance, and on conviction, shall be sentenced to pay the expense of removing the same, and to pay a fine not exceeding one hundred dollars. *Provided*, that this act shall not be construed to impair any right or privilege granted to any company or individual by act of the General Assembly.

Proviso.

Approved, July 12th, 1865.

CHAPTER LXXI.

An Act in addition to an Act entitled " An Act for the settlement of Estates, Testate, Intestate and Insolvent.

Be it enacted by the Senate and House of Representatives in General Assembly convened :

Bond to be taken, from executor, when testa-

That whenever a testator, by his last will and testament has appointed, or shall hereafter appoint an execu-

tor or executors thereof, and has therein directed, or shall therein direct, either that no bond whatever, or of a certain amount only, shall be required of such executor or executors, the court of probate, allowing the probate of such will, shall take a bond in the form now required by law, but for only an amount equal to double the sum of the debts due from the deceased, as estimated by said court, or for the amount specified in said will, if the same exceed double the sum of the debts as aforesaid.

tor directs that no bond, or for a certain amount only, shall be required.

Approved, July 12th, 1865.

CHAPTER LXXII.

An Act in addition to "An Act relating to the General Assembly."

Be it enacted by the Senate and House of Representatives in General Assembly convened :

SEC. 1. That all public acts passed at the present session, and approved after the fourth day of July, shall take effect from and after the rising of this Assembly, unless otherwise specially provided in said acts.

Public acts passed after July 4th to take effect from the rising of the Assembly.

SEC. 2. This act shall take effect from its passage.

Unless otherwise specially provided.

Approved, July 12th, 1865.

CHAPTER LXXIII.

An Act concerning Prisons.

Be it enacted by the Senate and House of Representatives in General Assembly convened :

SEC. 1. The secretary of state shall, annually in the month of March, transmit to the county commissioners in the several counties, blank forms of the returns concerning jails, for the year ending the last day of March;

Secretary to transmit to county commissioners blank forms of returns concerning jails.

containing the following printed interrogatories, and with the second, third, fourth and fifth sections of this *Form of returns.* act printed thereon: Jails,—Number in jail, April first; committed during the year; discharged; remaining in jail; males, females, adults minors, whites, colored; natives of this state; natives of other states; natives of other countries; natives of this state who cannot read or write; natives of other states who cannot read or write; of other countries who cannot read or write; who have been married; who have been strictly temperate; who have been moderate drinkers; who have been habitually intemperate; who have been in prison before; committed on civil process, as insane, for murder, manslaughter, assault with intent to kill, setting fires, robbery, stealing from the person, larceny, horse stealing, burglary, house breaking, obtaining goods on false pretense, making or passing counterfeit money, forgery, perjury, rape, attempt at rape, adultery, fornication, bastardy, abortion, lewd conduct, common prostitute, keeping house of ill fame, frequenting house of ill fame, vagrancy, drunkenness, as common drunkards, for violation of liquor law, poisoning, blasphemy, resisting officer, contempt of court; for all other offences:

Average number in confinement during the year.

Discharged: by writ of habeas corpus, by being recognized or bailed, by payment of fine and costs, by expiration of sentence, transferred to other jails for trial, sent to court and not returned, executed, sent to state prison, sent to state reform school, escaped, escaped and not retaken, prisoners that died, discharged by state attorney, by county commissioners, by inspectors, by process not specified above.

Amount received from state for board of prisoners, from United States, amount due from state, if any, amount due from United States, if any, amount received from earnings of prisoners, key fees, due for labor of prisoners, amount received or due from other sources, specifying what. Total amount received and due. Amount expended for provisions, clothing, bedding, fuel, lights, medicines, medical attendance, salary of jailor, assistants, chaplain, county commissioners, all other expences. Total expenditures.

County commissioners to make return to secretary, on or before April 10th.

SEC. 2. On or before the tenth day of April, in each year, the county commissioners in each county, and in case the board neglect, any member thereof, shall make

and transmit to the secretary of state, true answers to the enquiries contained in said blanks, and the secretary shall prepare and transmit an abstract thereof in printed form, to the General Assembly, at the ensuing session thereof.

SEC. 3. In addition to the returns required to be made by the preceding sections of this act, the county commissioners in each county, shall include in the report required by said sections, a full and true abstract of the annual account of the county treasurer, for the year ending the thirty-first day of March next preceding, as audited and approved by them, showing the amount of moneys received, and from what sources, the expenditures made and for what purposes, the balance, if any, remaining in the treasury, or the indebtedness of the county, if any, at the close of such year; and the secretary of state shall include such abstracts in the report to the General Assembly, provided for in the second section of this act.

Returns to include abstract of county treasurer's account.

SEC. 4. Every county commissioner who shall neglect or refuse to make the returns as required by the second section of this act, on the abstract of the county treasurer's accounts, as required by the preceding section of this act, shall forfeit the sum of twenty-five dollars, and shall not receive, or be entitled to receive, any compensation for his services as county commissioner.

Penalty for neglect to make returns.

SEC. 5. The secretary, when he finds that the county commissioners in any county are liable to forfeiture under the preceding section, shall forthwith notify the state attorney for the county in which such county commissioners reside, who shall immediately institute a complaint therefor, and prosecute the same; which forfeiture, when recovered, shall be paid into the treasury of the state.

Secretary to give notice of neglect to state attorney.

SEC. 6. An act passed May session, 1861, and approved July first, 1861, entitled "An Act relating to County Commissioners," and an act passed May session 1861, and approved July second 1861, entitled "An Act in addition to 'An Act concerning Prisons,'" except the fifth section thereof, be, and the same are hereby repealed.

Approved, July 12th, 1865.

CHAPTER LXXIV.

An Act in addition to an Act, entitled "An Act for the settlement of Estates Testate, Intestate and Insolvent."

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Distribution of life estate in personal property, between joint legatees.

SEC. 1. That whenever in any last will and testament, a life estate in any personal property shall have been given to two or more persons jointly or in common, and the property shall be susceptible of a division, the court of probate having cognizance of said will, may, during the settlement of the estate, and on the request of any one interested, cause said property to be distributed between said legatees; and such distribution shall be binding, not only on said legatees, but also on all persons having any interest by way of remainder therein.

When no trustee is named in the will, personal property may be delivered to legatee for life, on giving bonds.

SEC. 2. Whenever the use, income or annual profit of any personal property shall have been given to any legatee for life, and the remainder in such property shall have been given to another person, and there shall be no trustee named in the will to receive and hold said property during said life estate, the court of probate having jurisdiction of the will in which such legacies are given, may, if it shall judge proper, upon the request of the party entitled to the life estate in such property, order the executor to deliver the property thus bequeathed to the person who has the life estate therein, upon his giving bond to the judge of said court in a sum equal to double the value of said property, with surety, to the satisfaction of said court, conditioned that said property shall be safely and properly kept to be delivered to the person entitled to receive the same, on the determination of said life estate therein.

Approved, July 12th, 1865.

CHAPTER LXXV.

An Act in addition to "An Act for the Regulation of Civil Actions."

Be it enacted by the Senate and House of Representatives in General Assembly convened :

That whenever an issue in fact shall have been joined by the parties in any civil action pending before the superior court, either party shall have the right to have such issue tried to the jury, upon filing with the clerk of such court, at the time such issue is joined, an affidavit subscribed by such party, or his attorney, alleging that the facts thus affirmed or devised by such issue are true; and thereupon it shall be the duty of such clerk to place such action in the jury docket, in its proper alphabetical order.

Issue in fact to be tried to the jury when either party files affidavit on issue joined.

Approved, July 12th, 1865.

CHAPTER LXXVI.

An Act in addition to an Act entitled "An Act to authorize Towns, Cities, and Boroughs, to issue bonds or other obligations for War Purposes."

Be it enacted by the Senate and House of Representatives in General Assembly convened :

SEC. 1. That all towns which have made appropriations, or incurred indebtedness for war purposes, be, and hereby are authorized to issue bonds or other obligations for the payment or funding of such indebtedness; and said towns shall in issuing said bonds or other obligations conform to all requirements, provisions and conditions of the act to which this is in addition, and all bonds heretofore issued by towns for the payment or funding of indebtedness incurred as aforesaid, are hereby declared legal and valid.

Towns authorized to issue bonds for discharge or funding of debts contracted for war purposes.

SEC. 2. This act shall take effect from its passage.

Approved, July 12th, 1865.

CHAPTER LXXVII.

An Act relating to Town Meetings.

Be it enacted by the Senate and House of Representatives in General Assembly convened :

Ballot boxes ;
election of town
officers, to re-
main open for
three hours.

SEC. 1. That in all town meetings, holden by the several towns in this State, for the choice and election of town officers for said towns, the boxes provided for the reception of votes for such town officers as are elected by ballot, shall remain open for that purpose, from the opening of the meeting, for not less than three hours.

SEC. 2. All acts and parts of acts inconsistent with the provisions of this act, are hereby repealed.

Approved, July 12th, 1865.

CHAPTER LXXVIII.

An Act relating to Justices of the Peace.

Be it enacted by the Senate and House of Representatives in General Assembly convened :

Justice of peace
may not appoint
auditors in ac-
tion returnable
before him.
If he so appoint,
his judgment to
be void.

That no justice of the peace shall have power to appoint auditors in any action which may be made returnable before him; and if any such appointment shall be made, the judgment which may be rendered by the justice in the action wherein he may make such appointment shall be void; *provided*, that such judgment shall be rendered upon the report of any auditor so appointed by such justice.

Approved, July 12th, 1865.

CHAPTER LXXIX.

An Act in addition to "An Act concerning Fences and Common Fields."

Be it enacted by the Senate and House of Representatives in General Assembly convened:

SEC. 1. The proprietors of any common field, at their annual meetings, or at a meeting warned for that purpose, may appoint a committee to let out the making and repairing of the fences of said field, in such manner as shall be deemed best; and may tax themselves according to their interests in said field, to defray the expences of the same.

Proprietors of common fields may appoint committee to let out the making and repair of fences. May lay a tax.

SEC. 2. If the fence viewers shall find any such fence to be insufficient, during the time when by law it is required to be erected and maintained, they shall proceed in the manner, and the persons who shall have contracted to erect or repair such fence shall be liable to the penalties, named in Section five, Chapter XL, of the Public Acts of 1861.

Duty of fence-viewers, when fence is insufficient.

Approved, July 12th, 1865.

CHAPTER LXXX.

An Act in addition to an Act entitled "An Act concerning Communities and Corporations."

Be it enacted by the Senate and House of Representatives in General Assembly convened:

SEC. 1. That the number of bank commissioners shall hereafter be reduced as follows, to wit: the vacancy now existing in said office under the provisions of the act to which this is in addition, shall remain unfilled, and the duties of said office for the year ensuing shall be discharged by the two bank commissioners now holding that office: after the expiration of the term of office of the present incumbent, whose term of office will expire at the end of said year, the duties of

Number of bank commissioners, reduced.

said office shall thereafter be discharged by one bank commissioner.

SEC. 2. So much of the act to which this [is] in addition, as provides that no bank commissioner shall be reappointed to enter on the duties of said office, until at least one year after the expiration of the term of his appointment, and all other provisions of said Act inconsistent herewith, be and the same are hereby repealed.

Approved, July 12th, 1865.

CHAPTER LXXXI.

An Act relating to Cities and Boroughs.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Right of appeal to superior court, in prosecutions for violation of city or borough charters or by-laws.

That in all prosecutions for the violation of the provisions of the charter of any city or borough, and in all prosecutions for the violation of any by-law of any city or borough, the defendant shall have a right of appeal to the superior court, in the same manner and to the same extent as is now by law allowed in prosecutions before a justice of the peace upon the complaint of a grand juror.

Approved, July 12th, 1865.

CHAPTER LXXXII.

An Act in addition to an Act, entitled "An Act concerning Lands."

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Conveyance of real estate not invalidated by neglect of justice to certify his qualification.

SEC. 1. All deeds, mortgages, leases, and other conveyances of real estate, or of any interest therein heretofore made, and acknowledged before any person duly

elected a justice of the peace, and during the term for which said person was so elected, but of whose qualification as such justice no certificate has been transmitted to the clerk of the superior or county court for the county in which such justice resided, shall not for such cause be held invalid.

SEC. 2. This act shall take effect from its passage, but shall not affect any suit now pending.

Approved, July 12th, 1865.

CHAPTER LXXXIII.

An Act concerning Guardians of Real Estate of Minors.

Be it enacted by the Senate and House of Representatives in General Assembly convened :

That all applications of guardians of minors for the sale of the real estate of such minors, heretofore made to the court of probate in the district where such minors belong, and all proceedings under such application, shall be deemed valid, as if made to the court of probate in the district where such guardians were appointed ; *provided*, that such applications and proceedings are, in all other respects, conformable to law ; *and provided further*, that this act shall not affect any suit now pending.

Applications for sale of estate of minors, made to the court of district where minor belongs, validated.

Approved, July 12th, 1865.

CHAPTER LXXXIV.

An Act in addition to and in alteration of "An Act to establish the State Reform School."

Be it enacted by the Senate and House of Representatives in General Assembly convened :

SEC. 1. There shall be taxed quarterly in each year, in the month of January, April, July and October, by

fixing the rate of board of persons committed to

State Reform
School.

the comptroller of public accounts, the sum of two dollars for each week's board, (as well for the clothing and fuel) of each person committed to the state reform school; and the superintendent of said state reform school shall make his bill therefor, and present the same to the comptroller, who shall tax and allow the same, upon his finding it just and correct; and the comptroller shall draw an order in favor of said superintendent, for the amount so taxed, upon the treasury of this state, and the treasurer shall pay said order out of said treasury.

Sec. 2. All acts and parts of acts inconsistent with this act are hereby repealed.

Approved, July 14th, 1865.

CHAPTER LXXXV.

An Act to prevent the Improper Burial of Deceased Persons.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Penalty for bury-
ing dead bodies
within four feet
from the surface
of the ground.

SEC. 1. Any person who shall bury or cause to be buried any deceased person within the distance of four feet from the surface of the ground at the place of interment, shall be punished by a fine not exceeding fifty dollars, or by imprisonment in the common jail for a term not exceeding thirty days, or by such fine and imprisonment both.

Approved, July 14th, 1865.

CHAPTER LXXXVI.

An Act in addition to an Act entitled "An Act concerning Crimes and Punishments."

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Penalty for using
scurrilous or
abusive lan-
guage.

Every person who shall disturb or break the peace, or stir up or provoke contention and strife by following or mocking any person with scurrilous or abusive or inde-

cent language, or gestures, or noise, or who shall, by any letter or other writing, with intent to intimidate any person, threaten to commit any crime against any person, or against the property of any person, or who shall write, or print, and publicly exhibit, or cause to be exhibited, or distribute, or cause to be distributed, any indecent, libelous or obscene and abusive matter, of or concerning any person or persons, shall be punished by a fine not exceeding five hundred dollars, or by imprisonment in the county jail not exceeding one year, or by such fine and imprisonment both.

Threatening to commit crimes, -
Or publishing abusive matter, &c.

Approved, July 14th, 1865.

CHAPTER LXXXVII.

An Act in addition to "An Act concerning Promissory Notes and Bills of Exchange."

Be it enacted by the Senate and House of Representatives in General Assembly convened :

SEC. 1. That whenever the fourth day of July, or Christmas day, or the first day of January, occurs on Sunday, any negotiable promissory note or bill of exchange, becoming due or payable in this state on the following Monday, shall be due and payable on the business day next preceding said days.

When legal holiday falls on Sunday, promissory notes, &c., becoming due on Monday, are payable on business day preceding.

SEC. 2. No days of grace shall be allowed (unless named in the instrument) upon any promissory note, bill of exchange or order payable within this state at sight or on demand ; nor upon any bank check.

Approved, July 14th, 1865.

CHAPTER LXXXVIII.

An Act in addition to "An Act for the Protection of Sheep Culture," approved July 9th, 1864.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Penalty for neglect of town clerks to pay over moneys to the town treasurer.

Every town clerk who shall willfully neglect, for the term of thirty days after the passage of this act, to pay over to the treasurer of his town all moneys he has received under the provisions of the act to which this is in addition, for the benefit of the treasury of said town, shall be punished by a fine not exceeding two hundred dollars, to be recovered in an action upon this statute, brought in the name and for the benefit of said town.

Approved, July 14th, 1865.

CHAPTER LXXXIX.

An Act to authorize the issue of State Bonds, and to borrow Money.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Treasurer authorized to issue bonds for \$8,000,000, at six per cent.

When payable.

Denominations.

Treasurer to cause bonds to be prepared, &c.

SEC. 1. To enable the treasurer of this state to liquidate the temporary indebtedness of the state, bonds of the state of Connecticut may be issued for the amount of three millions of dollars, bearing interest at the rate of six per cent. per annum, with semi-annual coupons attached, payable on the first days of October and April, of each year, at the treasury office at Hartford in this state, with the principal payable in twenty years from date, which bonds shall be signed by the treasurer, sealed with his official seal, countersigned by the comptroller of public accounts, and registered in his office; the said bonds shall be for the respective sums of one hundred dollars, five hundred dollars, and one thousand dollars each, and they shall be made payable to order, or bearer, and be transferable by delivery.

SEC. 2. The treasurer of this state shall cause to be prepared the bonds and coupons authorized to be issued

under this act, and, by and with the advice and consent of the governor, advertise and sell the same: *Provided*, that he may reject such bids, or portions thereof, as he may deem to be not for the interests of the state: *and also provided*, that no bonds shall be sold at less than the par value thereof.

SEC. 3. The faith and credit of the state of Connecticut are hereby pledged for the payment of the interest and the redemption of the principal of said bonds, according to the tenor thereof. Faith and credit of the state pledged.

SEC. 4. The treasurer of this state is hereby authorized to borrow, from time to time, such sums of money as may be necessary to carry into effect any existing laws; and he shall report to the General Assembly, at its next session, the whole amount so borrowed, and all the receipts and expenditures under this act. Treasurer authorized to borrow money.

SEC. 5. This act shall take effect from and after its passage.

Approved, July 14th, 1865.

CHAPTER XC.

An Act in addition to an Act entitled "An Act concerning Domestic Relations."

Be it enacted by the Senate and House of Representatives in General Assembly convened:

That no married man shall be in any manner held responsible in any suit, either at law or in equity, for any liabilities of his wife incurred before marriage; but such wife may be sued as a *feme sole*, and her property attached for such liability, and held and disposed of, in the same manner as if she was single and unmarried; and she alone shall be liable to pay the damages and costs recovered in such suit. And in such actions the husband shall be cited to defend in said cause. *Provided*, nothing in this act shall affect any suit pending for the recovery of such liability. Married woman may be sued as feme sole, for debts contracted before marriage. Liable for damages and costs. Husband must be cited to defend.

Approved, July 19th, 1865.

CHAPTER XCI.

An Act in addition to and in alteration of an Act entitled "An Act concerning Foreign Insurance Companies," passed May Session, 1854.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Commissioner of insurance to be appointed.

His duties.

To report violations of law to state attorney.

Duty of state's attorney to prosecute.

Compensation to be paid by fees of office.

Commissioner to prepare blanks and forms.

SEC. 1. There shall be appointed by the governor of this state, a commissioner of insurance, who shall hold his office for three years, unless sooner removed for cause by the governor, upon whom shall devolve the duties assigned to the comptroller and the treasurer, in the Act to which this [is] an amendment, except that the deposits of all securities for capital shall be made with, and the payment of all taxes, fines and penalties shall be made to the treasurer of this state; and it shall be the duty of said commissioner of insurance to see that all of the provisions of the act, to which this is an amendment, are fully complied with and carried into effect; and it shall be the duty of said commissioner to report all violations of this act, and the act to which this is an amendment to the state's attorney of the county in which the agent or agents of such companies resides; and said state's attorney shall prosecute all agents who fail to comply with, or who violate this act or the act to which this act is an amendment, and all penalties collected by suit thus instituted shall be paid into the treasury of this state. Said commissioner of insurance shall in no case have any claim upon the state for salary or compensation, but his compensation shall be derived from fees incident to the office, the annual amount of which he shall state in his report to the legislature, together with his acts and doings as commissioner of insurance; and said commissioner of insurance is authorized to prepare such blanks and forms as shall be necessary to carry the objects of this act into effect, and the act to which this is an addition or amendment, and to change the form of such blanks, from time to time, as he shall deem necessary and expedient.

SEC. 2. All acts and parts of acts inconsistent with this act are hereby repealed.

SEC. 3. This act shall take effect immediately.

Approved, July 19th, 1865.

CHAPTER XCII.

An Act to carry into effect the General Statutes.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

SEC. 1. That the revised acts reported to this General Assembly by the committee of revision, together with the acts of the present session to be revised by said committee and incorporated therewith shall constitute the General Statutes of the state of Connecticut, and shall, on and after the first day of January, one thousand eight hundred and sixty-six, be the statute laws of the state; and all other public statute laws, except acts of incorporation, confirming acts, acts which although public in form are merely of a private nature, and all acts, which by particular provision are continued in force, shall be thereafter repealed.

SEC. 2. The said repeal shall not impair or affect any rights, privileges, immunities, or offices, vested in any person or body corporate; and all matters, civil or criminal, commenced by virtue of the statutes repealed as aforesaid, and pending unfinished, may be prosecuted to final effect in the same manner as if this act had not been passed, unless it shall be otherwise specifically provided by law; and no act which has been heretofore repealed shall be revived by the repeal mentioned in this act.

SEC. 3. No offence committed and no penalty or forfeiture incurred under any of the acts hereby repealed, before the time when such repeal shall take effect, shall be affected by said repeal, except that when any punishment, penalty or forfeiture shall have been mitigated by the provisions of the general statutes, such provisions shall be extended to any judgment to be pronounced after said repeal.

SEC. 4. In the construction of these acts, words and phrases shall be construed according to the common and approved usage of the language, but technical words and phrases, and such as may have acquired a peculiar and appropriate meaning in the law, shall be construed and understood according to such peculiar and appropriate meaning.

SEC. 5. Words importing the singular number may

Revised acts to be in force from Jan. 1, 1866.

Repeal not to impair vested rights.

Nor to revive acts heretofore repealed.

Not to affect offences committed or penalties incurred before Jan. 1, 1866.

Except as to penalties or forfeitures mitigated.

Rule of construction.

Words in the singular number

may be applied to the plural: or the plural may include the singular: of masculine gender may be applied to females.

Authority given to three or more, construed to be given to a majority of them.

"Month."

"Year."

"Oath."

"Sworn."

"Person."

"Preceding" and "following" section.

What to constitute the record of the General Statutes.

extend and be applied to several persons or things; words importing the plural number may include the singular, and words importing the masculine gender may be applied to females.

SEC. 6. Words purporting to give a joint authority to three or more public officers, or other persons, shall be construed as giving such authority to a majority of such officers, or persons.

SEC. 7. The word "month" shall mean a calendar month; and the word "year" a calendar year, unless otherwise expressed; and the word "year," alone, shall be equivalent to the expression, year of our Lord.

SEC. 8. The word "oath" shall include affirmations, in cases when by law an affirmation may be used for an oath; and in like cases, the word "sworn" shall include the word "affirm."

SEC. 9. The word "person" may extend to and be applied to companies, corporations and bodies politic.

SEC. 10. The words "preceding" and "following" when used by way of reference to any section, shall mean the section next preceding, or next following, unless some other section is expressly designated in such reference.

SEC. 11. One copy of the said General Statutes shall be deposited and for ever kept in the office of the secretary of this state, to which copy said secretary shall annex a certificate under his hand and the seal of the state, that the laws therein contained are the Statute Laws of the state of Connecticut, and such certified copy shall be an authentic record of such laws.

Approved, July 19th, 1865.

CHAPTER XCIII.

An Act in addition to "An Act in relation to the Assessment and Collection of Taxes."

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Money at interest secured by mortgage on real

SEC. 1. That all money at interest secured by mortgage upon real estate, situated within this state,

shall be set in the list and taxed only in the town where said real estate is situated ; *provided*, the debtor resides in such town, society or district. estate, to be taxed only where land is situated.

SEC. 2. That all acts and parts of acts inconsistent with the provisions of this act, be, and the same are hereby repealed. Provided the debtor resides in the town or district.

Approved, July 19th, 1865.

CHAPTER XCIV.

An Act in addition to an Act entitled "An Act for the Regulation of Proceedings in Equity."

Be it enacted by the Senate and House of Representatives in General Assembly convened :

SEC. 1. That whenever, in a petition for an injunction, the petitioner shall have obtained a temporary injunction from a judge in vacation, and the court to which said petition was returnable shall have reserved the questions arising in said proceeding, for the advice of the supreme court of errors, and said court shall have advised the superior court that the petitioner's bill should be dismissed, and the temporary injunction dissolved, the said temporary injunction shall be deemed to be dissolved from the day the advice of the supreme court of errors is filed in the office of the clerk of the said superior court ; and the respondents may thereafter proceed in relation to the matter enjoined against, as if no temporary injunction had ever been obtained. Temporary injunction granted by a judge in vacation, to be dissolved when the advice of the supreme court of errors to the court below, is filed in the clerk's office.

SEC. 2. Any party who may be directly or indirectly interested in or who is liable to be affected by the granting of any temporary or permanent injunction, may appear and be heard with regard to the granting or dissolution of the same. Any party interested may appear and be heard.

SEC. 3. This act shall take effect from the day of its passage.

Approved, July 19th, 1865.

CHAPTER XCV.

An Act in addition to "An Act relating to Salaries and Fees."

Be it enacted by the Senate and House of Representatives in General Assembly convened :

Fees of clerks of superior court for certifying to the official character of magistrates.

SEC. 1. The fees of the clerks and assistant clerks of the superior court, for certifying under seal, to the official character and signature of any magistrate authorized to administer oaths, shall be fifty cents for each certificate.

Fees of notaries, for administering oath to pensioners, and taking acknowledgments.

SEC. 2. The fees of notaries public for administering an oath to a pensioner of the United States, and taking the acknowledgment of a power of attorney under his official seal, on the pension papers of such pensioner, shall be fifty cents.

SEC. 3. All acts inconsistent herewith are hereby repealed.

Approved, July 19th, 1865.

CHAPTER XCVI.

An Act relating to Salaries and Fees.

Be it enacted by the Senate and House of Representatives in General Assembly convened :

Fees for certifying on the record, that stamps are affixed and cancelled.

That the officers who may make the certificate on the record of any instrument, provided by the act entitled "An Act in alteration of an Act to provide for the recording of stamps of the United States Internal Revenue, and for other purposes," approved July 9th, 1864, shall be entitled to demand and receive the sum of ten cents for his services in making such certificate.

Approved, July 19th, 1865.

CHAPTER XCVII.

An Act to regulate the erection of Buildings, to be used for Public Lectures and Amusements.

Be it enacted by the Senate and House of Representatives in General Assembly convened :

SEC. 1. That the court of common council of each city, and the selectmen of every town, in which there is no incorporated city, in this state, shall have power to superintend and direct the construction of all buildings hereafter erected within their respective cities and towns to be used for public halls, or places of public resort for lectures, exhibitions or other amusements, and shall require them to be so erected as to afford ample facility for entrance and exit on all occasions, and also that they be erected with reference to the health, comfort and safety of the persons who may visit them.

Court of common council, or selectmen, to superintend the construction of buildings for public halls, places of amusement, &c.

SEC. 2. The said court of common council and the said selectmen, shall have power to examine all buildings, in their respective cities and towns, used for any of the purposes named in the preceding section, and, if in the opinion of such court of common council, or such selectmen, any such building is so constructed as to be unsafe, the court of common council, or the selectmen, may order the same to be closed until such alterations are made as the court or the selectmen shall prescribe.

May order such buildings, when found unsafe, to be closed, until prescribed alterations are made.

SEC. 3. Every person who shall let, or shall use any hall, for the purposes in this act specified, after such hall shall have been ordered to be closed as provided in the preceding section, shall pay a fine of one hundred dollars to the treasurer of the city or town, for the use of the city or town in which such hall is situated, to be recovered in an action on this statute.

Penalty for using or letting a hall, after order to close it as aforesaid.

SEC. 4. The several courts of common council shall have power to pass such ordinances, and the several towns may make such regulations as they may respectively deem proper, to carry into effect the power herein granted, and may alter or repeal the same at their pleasure respectively.

Cities and towns may make ordinances and regulations, to carry these powers into effect.

SEC. 5. Every person who shall be aggrieved by the action of the court of common council, or selectmen, ordering any such hall to be closed, may appeal to a judge of the superior court, who shall enquire into the

Appeal may be taken by parties aggrieved, to a judge of the superior court.

Costs.

facts, by a committee or otherwise, at such time and place as he shall appoint, of which he shall give reasonable notice to the parties in interest, and upon such hearing, said judge may over rule, or affirm the order appealed from, and may pass such further order in the premises as he may deem proper. Said judge may, at his discretion, tax costs in favor of the prevailing party, as in civil cases, and may issue an execution for the collection of the same.

Approved, July 19th, 1865.

CHAPTER XCVIII.

An Act supplementary to "An Act in addition to and in alteration of an act entitled 'An Act concerning Banks,' approved, July 11th, 1863."

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Stockholders in banks converted to national associations, not dissenting in writing to such conversion, to become stockholders of the national association.

SEC. 1. Whenever any bank of this state, in pursuance of a vote passed, or authority in writing given, by the holders of two-thirds or more of its stock, has been or shall be converted into a national association for carrying on the business of banking under the provisions of any act of the Congress of the United States, every holder of stock in such bank who expressly assents to such conversion, or who does not signify to such bank, in writing, his dissent thereto, within thirty days after notice in writing given him thereof, shall, by means of such conversion, become a shareholder in said National Association, to the amount of the stock by him so held in such bank, and said notice may be given by leaving the same with such stockholder, or at his usual place of abode, or by depositing the same properly addressed to such stockholder, and with the postage paid thereon, in the post office nearest the place where the said bank is located: *provided*, that no right already vested shall be affected by this act.

Notice, how to be given.

Value of stock of dissenting stockholder, how to be ascertained.

SEC. 2. Any person holding stock in a bank so converted into a National Association, who has not and shall not become a shareholder in said association in the

manner specified in the preceding section, shall be entitled to receive from said bank the value of the stock so held by him therein; which value shall be ascertained and determined by an appraisal made in such manner as the board of directors may prescribe. And in case the value so fixed shall not be satisfactory to any stockholder, he may appeal to the bank commissioners residing nearest to said bank, who shall make a re-appraisal which shall be final and binding, and if said re-appraisal shall exceed the value fixed by the directors, the bank shall pay the expenses of said re-appraisal, otherwise the appellant shall pay said expenses; and the value, so ascertained or determined, shall be deemed to be a debt due to said stockholder from the said National Association, until paid.

SEC. 3. Where any portion of the capital stock of any bank of this state belongs to the estate of a deceased person, or to a minor, or to an idiot, lunatic, or any other person who is incapable of taking care of himself and managing his affairs, or is held by a trustee, the executors or administrators of such deceased person, the guardian of such minor, the conservator of such idiot, lunatic and incapable person, and the said trustee, respectively, shall have power and authority to represent the said stock in all matters touching the conversion of said bank into a National Association for carrying on the business of banking, and to subscribe, in their representative or fiduciary capacity, to the capital stock of such National Association.

When stock belongs to estate of deceased person, to minor, idiot or incapable person.

SEC. 4. Any bank of this State that has been, or may hereafter be converted into a National Association, in accordance with the provisions of this act, or the act to which this is in addition, and at the time of such conversion, held any of the funds of this state, whether transferable or not, and has refused, or shall refuse to allow the state, or such society, to become stockholders in the said National Association, shall pay to the state, or such society, their respective shares of so much of the surplus of said bank as was reserved or accumulated while such funds were held by such bank, the amount of each claim for surplus to be determined according to the provisions of the second section of this act.

National associations to pay to the state and societies their proportion of the surplus, on stock by them held.

SEC. 5. This act shall not affect any suit now pending, or any case where the rights of the parties have been determined by mutual agreement.

Approved, July 19th, 1865.

CHAPTER XCIX.

An Act relating to Commutation of Fares on Railroads.

Be it enacted by the Senate and House of Representatives in General Assembly convened :

Railroad companies may not abolish established systems of commutation of fares.

SEC. 1. No railroad company, chartered by this state, which has had in force for more than four years a system of commutation of fares, shall be permitted to abolish, alter or modify the same, except in regard to regulating the price charged for such commutation.

Rate of commutation not be disproportionately raised.

SEC. 2. The rate or price charged for such commutation shall in no case be raised to an extent that shall alter the ratio as it existed on the first day of July, 1865, between such commutation and the rates now charged for way fare on such railroad.

Railroad commissioners shall enforce compliance with this act.

SEC. 3. The general railroad commissioners shall enforce obedience on the part of all railroad companies to all regulations which may be imposed upon them under the provisions of this act; and all the powers which the judges of the superior court and said commissioners can respectively exercise under the thirteenth section of the act of 1853, entitled "An Act to prevent injuries and the destruction of life upon railroads and by railroad trains," in the cases specified in said thirteenth section, the said judges and said commissioners shall respectively have and exercise, in case of the refusal of any such company to obey such regulations, for the purpose of compelling such company to desist from said refusal, and to faithfully obey said regulations.

SEC. 4. All acts and parts of acts inconsistent with this act, or any of its provisions, be, and hereby are repealed.

SEC. 5. This act shall take effect from and after its passage.

Approved, July 19th, 1865.

CHAPTER C.

An Act relating to Railroads.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

SEC. 1. All railroad trains which, by law, are obliged to come to a full stop before crossing a draw-bridge, shall, whenever the general railroad commissioners shall so order, be brought to said full stop at the regular station nearest to such draw-bridge for a length of time sufficient to accommodate passengers who may desire to enter or leave said trains at said station; *provided*, that said station be in full view of the draw of said bridge, and not more than one hundred and twenty rods from said draw.

Trains obliged to stop before crossing a draw-bridge may be stopped at a passenger station near such bridge,—when commissioners so order.

SEC. 2. Said commissioners may, from time to time, make orders prescribing the length of time for which the ticket-office, at any railroad station, shall be kept open for the sale of tickets, previous to the departure of each passenger train from said station; and upon receiving the written complaint of any person alleging that any such ticket-office is not kept open as aforesaid, long enough to reasonably accommodate the public; it shall be the duty of said commissioners to enquire into said complaint without unnecessary delay, and if they find said complaint true, to make a proper order for the correction of the evil specified in said complaint. It shall not be lawful for any railroad company, while neglecting to obey any such order, to demand or receive more than the regular ticket price for the fare of any passenger, upon any of its trains, who may omit to procure a ticket before entering such train.

Commissioners may make orders as to time of keeping open ticket offices.

Companies not complying with such order, may not demand additional fare.

SEC. 3. For the purpose of preventing annoyance to the public through the obstruction of highway crossings, at or near railroad stations, by cars standing upon said crossings, or moving to and fro across the same, said commissioners may, from time to time, make orders regulating the manner in which railroad companies shall manage their trains, engines and cars, at such places; and upon receiving the written complaint of any person alleging that any railroad company is in the habit of annoying the public in the manner aforesaid, at any such place specified in said complaint said commissioners

Commissioners may make orders respecting the management of trains at highway crossings.

shall, without unnecessary delay, enquire into said complaint, and if they find said complaint true, they shall make a proper order for the correction of the evil specified in said complaint.

May compel companies to furnish seats to all passengers.

SEC. 4. It shall be the duty of said commissioners, from time to time, to make such orders as they may deem necessary for the purpose of compelling railroad companies to furnish comfortable seats to all passengers upon their trains.

Orders, how made and served.

SEC. 5. All orders which may be made by said commissioners under this act shall be made and served in the manner provided in the eleventh section of the act of 1853, entitled "An Act to prevent Injuries and the Destruction of Life upon Railroads and by Railroad Trains," for the making and service of the directions mentioned in said section; and the companies against whom said orders shall be made shall faithfully obey the same; and said commissioners and the judges of the superior court respectively, shall have and exercise the same powers, to punish and prevent disobedience of said orders, that they respectively have, under the thirteenth section of said Act, to punish and prevent the acts of misconduct specified in said thirteenth section.

Approved, July 19th, 1865.

CHAPTER CI.

An Act relating to the proposed Amendment to the Constitution of this State.

Providing for submitting the proposed amendment to the constitution, to the people.

Whereas, at a General Assembly of the State of Connecticut, holden at New Haven, in said State, on the twenty-second day of June, A. D. 1864, the House of Representatives did pass a resolution, therein and thereby proposing a certain amendment to the Constitution of this State, which said amendment was, by order of said house, continued to the present session of the General Assembly, and published in the manner prescribed by the eleventh article of said Constitution; *and whereas*, at this present session of said Assembly, two-thirds of each house thereof have approved of said amendment

in the manner prescribed and specified in said article, which said amendment is in the words following, to wit:

“Every male citizen of the United States who shall have attained the age of twenty-one years, who shall have resided in this State for a term of one year next preceding, and in the town in which he may offer himself to be admitted to the privileges of an elector, at least six months next preceding the time at which he may so offer himself, and shall be able to read any article of the Constitution, or any section of the Statutes of this State, and shall sustain a good moral character, shall, on taking such oath as may be prescribed by law, become an elector.”

Now therefore, to provide for the consideration of said amendment by the inhabitants of this State, in town meetings to be warned and held for that purpose, pursuant to the requirements of said eleventh article of the constitution of this State,

Be it enacted by the Senate and House of Representatives in General Assembly convened:

SEC. 1. That the constables of the several towns in this State, shall warn the electors in their respective towns to meet on the first Monday of October, A. D. 1865, at nine o'clock in the morning of said day, for the purpose of signifying in the manner hereinafter provided, their approbation or disapprobation of said proposed amendment, which meetings shall be held at the usual places of holding electors' meetings in said towns respectively.

Meetings of electors, when to be held, and how warned.

SEC. 2. The town clerk and selectmen in the several towns, are hereby authorized, if they deem it expedient, to designate the person who shall preside at such meeting of the electors; but in case no presiding officer is designated by said board, the electors shall choose the presiding officer, in which choice the town clerk, or, in his absence, the oldest selectman present shall preside. The polls shall remain open until five o'clock in the afternoon of said day, and no longer: and in towns divided into wards or voting districts, the ballots may be received at the places, and in the manner, designated in accordance with the provision of existing law.

Presiding officer.

Polls when to open and close.

Town clerks to present the proposed amendment.

SEC. 3. It shall be the duty of the town clerks of the several towns, immediately after the organization of said meeting, to present to said meeting said proposed amendment to said constitution, according to the requirements of [the] eleventh article thereof; and the electors present at said meeting shall be called upon by the presiding officer of said meeting to bring in to him their respective votes, by ballot, regarding said amendment. Those in favor of approving or adopting said amendment, shall give in a ballot with the word "Yes," written or printed thereon, and those who disapprove of said amendment shall give in a ballot with the word "No," written or printed thereon, which said ballots shall be examined, sorted, and counted by the presiding officer, assisted by the town clerk and selectmen, and the number of each declared in open meeting by said presiding officer.

Manner of voting.

Votes, how certified and returned

SEC. 4. The presiding officers in said several town meetings, shall under their hands, respectively, make duplicate certificates of the number of votes so given in and ascertained as aforesaid, in favor of approving and adopting said amendment, and also of those disapproving of the adoption of said amendment, in words at full length, one of which certificates shall be deposited in the office of the town clerk, in the town in which such meeting shall be held, and the other shall be, by such presiding officer, transmitted by mail, to the secretary of state, at Hartford, or shall be delivered, sealed up, to the secretary of state, within five days after the holding said meeting; which certificates shall be in the form following, to wit:

Form of certificate.

At a meeting of the Electors of the town of _____, legally warned and held on the first Monday of October, A. D. 1865, for the purpose of receiving the votes of the electors of said town upon the adoption of a proposed amendment to the Constitution of this State, there were given in favor of adopting said proposed amendment _____ votes, and against the adoption of the same _____ votes.

Certified by _____

A. B., Presiding Officer.

Superscription.

And the superscription on each of said certificates to be returned to the secretary of this State, shall be as follows, to wit:

To the Secretary of State:—Votes of the Electors of the town of _____, upon the proposed amendment to the Constitution; taken and scaled up by A. B., Presiding Officer.

Every presiding officer at any meeting of the electors in any town in this State, who shall neglect to make return as herein prescribed, of the votes given at said meeting, shall forfeit and pay the sum of twenty dollars to the treasurer of this State, and if he shall willfully refuse or willfully neglect to make such return, or shall willfully make a false return of said votes, he shall upon conviction thereof before the superior court held in the county where said presiding officer resides, forfeit and pay to the State treasury a sum not exceeding five hundred dollars and be imprisoned in the common jail not exceeding sixty days. Penalty for neglect to make return, or for false return.

SEC. 5. The secretary of state, shall, on or before the fourth Monday in September, A. D. 1865, transmit blank forms for the return of votes to be given pursuant to this Act, to the town clerks of the several towns in this State for the use of said towns. Secretary to transmit blank forms.

SEC. 6. The votes so returned to the secretary of state, shall be counted by the secretary, treasurer and comptroller, on or before the first day of November, A. D. 1865, who, on or before the tenth day of November, A. D. 1865, shall transmit a certificate, under their hands, of the number of votes so returned in favor of approving and adopting said amendment, and also of the number of votes so returned disapproving of the adoption of the same, to the person administering the government of this State, who, within five days after the receipt of said certificate, shall issue his proclamation reciting such certificate; and if it shall appear therefrom that a majority of said votes is in favor of approving and adopting said amendment, he shall so declare in such proclamation, and that a majority [of] the electors present at such meetings aforesaid, have approved said amendment, and that the same is valid, to all intents and purposes, as a part of the constitution of this State; and if it shall appear from said certificate that a majority of said votes are not in favor of approving and adopting said amendment, but are opposed to the same, he shall so declare in said proclamation, and that a majority of the electors at such meetings have not approved said Canvas o votes. Certificate of canvassers. Proclamation by the Governor.

amendment, and said proclamation shall be published in all the newspapers printed in this State, and recorded in the public records thereof.

SEC. 7. This Act shall take effect from and after the date of its approval.

Approved, July 20th, 1865.

CHAPTER CII.

An Act relating to Horse Railroads.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Notice to be given of pendency of petition for incorporation of horse railroad company.

Route to be designated.

Directors to make annual report to Gen. Assembly.

Common council or selectmen may regulate the laying of rails.

Right of appeal.

SEC. 1. Whenever the petition for the incorporation of a horse railroad company shall be preferred to the general assembly, public notice of the pendency of such petition shall be given in the same manner as is by law required to be given of a petition for the incorporation of a railroad company; and such notice shall designate the street or streets, highway or highways, and other intended route of such horse railroad, with such certainty as to give reasonable notice to all persons whose rights may be affected by the granting of said petition.

SEC. 2. The directors of every horse railroad corporation shall annually make report under oath to the general assembly at its stated sessions, which report shall state the amount of their capital stock, and their annual receipts and expenditures; and their books shall at all times be open to the inspection of any committee of the general assembly appointed for that purpose.

SEC. 3. No horse railroad company which may hereafter be chartered by the general assembly shall have power to lay down its rails upon any street, road or highway, except in such manner and under such restrictions as may be imposed by the common council or selectmen of the city or town in which such rails are laid; but any such company that may be aggrieved by the action of the common council or selectmen as aforesaid, shall at all times have a right of appeal to the superior court.

Approved, July 20th, 1865.

CHAPTER CIII.

An Act concerning Promissory Notes.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

That any negotiable note payable on demand, and remaining unpaid for four months from its date, shall be considered as overdue and dishonored after that time; provided, that this act shall not apply to any notes heretofore executed, and now outstanding, or which may be executed prior to the first day of October, 1865.

Negotiable demand notes unpaid after four months to be considered overdue.

Not to apply to notes executed before October 1, 1865.

Approved, July 20th, 1865.

CHAPTER CIV.

An Act in addition to "An Act concerning Railroads."

Be it enacted by the Senate and House of Representatives in General Assembly convened:

SEC. 1. Whenever a general railroad commissioner of this state shall be in any way employed by any railroad corporation in this state, either directly or indirectly, the office of such commissioner shall thereupon become vacant.

Office of railroad commissioner when employed by a railroad corporation declared vacant.

SEC. 2. This act shall take effect from and after its passage.

Approved, July 20th, 1865.

CHAPTER CV.

An Act in addition to and in alteration of "An Act relating to the Militia," approved, July 9th, 1864.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Armories and drill rooms, when and how to be provided for militia companies.

SEC. 1. It shall be the duty of the quartermaster-general to provide a suitable armory for each company of active militia, upon a certificate from the adjutant-general, that such company has organized according to law, and has made requisition for an armory through the commanding officer of said company, as a drill room, and place to preserve its arms and equipments, which requisition has been approved by the adjutant-general.

Expenses for repairing and cleaning arms, and for storage of field-pieces.

And also to provide for the expenses of cleaning and keeping in good repair the said arms and equipments, in such manner as he may prescribe; also for the storage of any field-piece or pieces in the hands of any artillery company or battery; *provided*, that the storage of any field-piece shall not exceed the sum of fifteen dollars annually; and the quartermaster-general may authorize the commanding officer of any company or battery to make contracts for such armory, cleaning, repairs, or storage, subject to his approval or rejection, if the quartermaster-general deem it expedient. *Provided further*, that said commanding officer shall be required to pay to the quartermaster-general, to be by him turned over to the state treasurer, all proceeds which shall accrue to him, or his company from underletting said room used as an armory, or drill room, for lectures, meetings, balls, or any other purpose whatsoever.

Proviso.

Proviso.

Allowance to regimental bands for music and for a room for practice.

Every regimental band that shall conform to the provisions of this act, and the act to which this is in addition, shall be allowed from the state treasury the sum of seventy-five dollars per annum, as rent for a suitable room for practice and [for] the purchase of music. And the comptroller of the state shall draw an order on the treasury for such sums as may be required for the purposes in this section specified, on a certificate from the quartermaster-general that such companies and bands are in possession of such suitable armories and rooms as aforesaid, and that no injury has been done to the property of the state therein deposited; such order

may be made payable to the commanding officer of such company or bands if approved by the quartermaster-general, or it may be made payable to the quartermaster-general.

SEC. 2. The eighth section of "An Act relating to the Militia," approved, July 9th, 1864, is hereby repealed.

Approved, July 20th, 1865.

CHAPTER CVI.

An Act to provide for the Payment of a Bounty to Volunteers, and for other purposes.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

The provisions of an Act entitled "An Act to provide for the Organization and Equipment of a Volunteer Militia, and to provide for the Public Defence," approved, June 27th, 1861, and the provisions of an Act entitled "An Act in addition to an Act entitled 'An Act in addition to an Act to provide for the Organization and Equipment of a Volunteer Militia, and to provide for the Public Defence,' " approved, December 24th, 1862, are hereby extended to the families of those who volunteered and have been mustered into the regular army or veteran reserve corps of the United States, and accredited to the quota of this state; *provided*, that such volunteers, at the time of their muster as aforesaid, actually resided in this state; *and provided further*, that the provisions of this act shall not continue in force after August first 1865; *and provided further*, that before any compensation shall be made pursuant to this act, the commanding officers of the regiments or companies to which such volunteers belong shall furnish to the adjutant-general of this state a certificate that they have honorably and faithfully performed the services required of them.

Approved, July 20th, 1865.

Provisions of bounty laws extended to families of volunteers enlisted in the regular army and veteran reserve corps, and credited to quota of this state.

CHAPTER CVII.

An Act concerning Banks.

Be it enacted by the Senate and House of Representatives in General Assembly convened :

Issue of notes
under a state
charter, by na-
tional banking
associations, re-
stricted.

SEC. 1. No corporation which has been a bank of this state, and has become a National Banking Association, and no corporation now being a bank of this state, which shall hereafter become a National Banking Association, shall at any time, while it exists as a National Banking Association, issue and keep in circulation, bills issued in its name as a bank of this state, which together with bills issued and kept in circulation in its name as a National Banking Association, shall exceed the aggregate sum of ninety per cent. of its unimpaired capital; and after any such corporation shall have been a National Banking Association for the period of six months, it shall not issue nor intentionally keep in circulation any bills issued in its name as a bank of this state; and so long as it shall keep in circulation any bills issued in its name as a bank of this state, it shall be subject, as banks of this state now are, to examination by the bank commissioners, and shall be *bona fide* owners of, and keep on hand gold and silver coin amounting to ten per cent. of the amount of said last named bills so for the time being kept by it in circulation; and any director or other officer of any such corporation, who shall knowingly permit or consent to a violation of this section by the corporation of which he is, or shall be an officer at the time, shall for every such offence, be punished by a fine of five hundred dollars.

SEC. 2. Section tenth Chapter XLVIII, of the acts passed May Session, 1864, is hereby repealed.

Approved, July 20th, 1865.

CHAPTER CVIII.

An Act relating to the Location of Railroad Stations
in certain cases.

Be it enacted by the Senate and House of Representatives in General Assembly convened :

SEC. 1. Whenever twenty or more electors of this state shall present to any judge of the superior court, their petition in writing, alleging that any railroad company therein named, whose railroad shall then be unfinished, and in process of construction, or about to be put in process of construction, ought, for the reasonable accommodation of the public, to locate and establish on the line of said railroad, at any point mentioned in said petition, or near any point mentioned in said petition, a depot or station ; and further alleging that said petitioners have reason to fear that said company does not intend to locate and establish said depot or station at said point, (or near said point as the case may be,) said judge shall, by his order in writing, order such notice as he may deem reasonable to be given to said company, in such manner as said order shall direct, summoning said company to appear before him, at such time and place as said order shall specify, to answer to said petition ; and at said time and place, said judge shall give both parties reasonable opportunity to be heard in relation to the appointment of an engineer, for the purposes hereinafter specified ; and thereupon said judge shall select and appoint some practical engineer, skilled in the construction of railroads, whose duty it shall be to act with the general railroad commissioners in the manner hereinafter provided ; and said judge may, if he shall think proper in any such case, select such an engineer not residing in this state, if the services of such a non-resident engineer can be obtained for said purpose. Said engineer shall be sworn to the faithful performance of his duties under said appointment.

Provisions for the location of railroad stations, so as to secure the accommodation of the public.

Order of notice, and citation.

Hearing.

Appointment of engineer.

SEC. 2. Said commissioners and said engineer shall thereupon give such notice as they may deem reasonable, to both parties, to appear before them at such time and place as said notice shall designate, and be heard in relation to the matters alleged in said petition.

Hearing by railroad commissioners and engineer.

Who may designate the location of depot or station.

Report by engineer, when not concurring with commissioners.

Judge may make order, in the premises, to be binding on the company.

Petitioners may be required to give security for fees, &c.

Engineer's bill of fees, how taxed

tion; and after having thereupon given said parties due opportunity to be heard, with their evidence, if said commissioners, or a majority of them, concur with said engineer in finding said petition true, they shall, by their order in writing, specially designate the place, within the limits covered by said petition, where it shall be the duty of said company to locate, establish and maintain a suitable depot or station, and said commissioners and engineer shall furnish a copy of said order to each party; and thereupon it shall become the duty of said company to locate and establish said depot or station at the place designated in said order so soon as said company shall commence operating said road at said place, and thereafter to maintain the same there. If said commissioners, or a majority of them, shall concur with said engineer in finding said petition untrue, they shall dismiss the same. If said engineer shall not concur with said commissioners, or a majority or them, either in finding said petition true, or in finding it untrue, said engineer shall make a written report of the facts found by him, and of his opinion thereon, and said commissioners shall make a written report of the facts found by them, and of their opinion thereon; which said reports shall be returned to said judge; and thereupon said judge shall make such order relative to the subject matter of said petition, as, upon examination of said reports, he may deem reasonable. Any order so made by him against said company shall be binding upon said company.

SEC. 3. Said judge, at the time of appointing said engineer, or at any subsequent time during the pendency of said proceedings, may require the petitioners, on penalty of the dismissal of their petition, to furnish such security as he shall order for the payment of the fees and expenses of said engineer; and upon the termination of the services of said engineer, in the case he shall present to said judge his bill of fees and expenses in said case; and said judge shall thereupon, by such notice as he may deem reasonable, give opportunity to the petitioners and to said company, to appear before him and be heard in relation to said bill; and thereupon said judge shall tax and allow said bill, at such sums as he may deem reasonable, and may make such order in reference to the payment thereof, by the petitioners or by said company, as in his judgment may

seem fit. Said fees and expenses, as so taxed and allowed, shall be paid in any event to said engineer, by the petitioners; but if said judge shall so order, the whole or a part thereof shall be refunded by said company to said petitioners.

To be paid by
petitioners.

Empowered.

SEC. 4. The general railroad commissioners shall enforce upon every such company, obedience to every duty which may be imposed upon said company by any proceedings under this Act; and all the powers which said commissioners and the judges of the superior court can respectively exercise, under the thirteenth section of the Act of 1853, entitled "An Act to Prevent Injuries and the Destruction of Life upon Railroads and by Railroad Trains," in the cases specified in said thirteenth section, said commissioners and said judges may respectively exercise in case of any violation of any provision of this Act by any such company, for the purpose of preventing the continuance of such violation, and of compelling faithful obedience to the requirements of this Act.

Railroad commissioners to enforce
compliance with
provisions of this
act

Approved, July 20th, 1865.

CHAPTER CIX.

An Act relating to Salaries and Fees.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

That the chief clerk of the treasurer, comptroller, secretary of state, and commissioner of the school fund, be paid a sum not exceeding three dollars and fifty cents per day, while necessarily employed in their respective offices, (the clerk of the commissioner to be paid from the school fund,) commencing April first, 1865.

Fixing the compensation of
clerks of state offices
and school fund commissioner.

Approved, July 20th, 1865.

CHAPTER CX.

An Act relating to the Salaries of Judges.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Fixing the salary of judges of supreme and superior courts.

SEC. 1. That the judges of the supreme court of errors, and the judges of the superior court who are not judges of the supreme court of errors, shall each be paid for each day (not exceeding one hundred days in any one year) actually occupied in holding court, or in the performance of judicial duty, the sum of five dollars per day in addition to the salaries now by law provided, from and after the first day of May, A. D. 1865, and at that rate during their respective terms of office, said salaries to be paid in the same manner as the salaries now by law payable to such judges.

Approved, July 21st, 1865.

CHAPTER CXI.

An Act relating to the School Fund.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Commissioner authorized to invest Agric. College Fund and proceeds of bank stock in bonds of this state.

That the commissioner of the school fund be authorized to exchange the United States ten-forty bonds, composing the capital of the Agricultural College Fund, with the treasurer of the state, receiving in lieu thereof a like amount of the six per cent. bonds of this state; and that the bank stock held by the school fund in such banks as have, or may hereafter, surrender their charters, be disposed of to the best advantage and the proceeds invested in the bonds of the state.

Such bonds not to be transferable.

SEC. 2. The bonds issued under the provisions of this act shall be endorsed "Agricultural College Bonds" and "School Fund Bonds," respectively, and be transferable only by special act of the General Assembly.

Approved, July 21st, 1865.

CHAPTER CXII.

An Act in addition to and in alteration of an Act, entitled "An Act concerning Education."

Be it enacted by the Senate and House of Representatives in General Assembly convened:

SEC. 1. A town may at any time consolidate all the school districts therein in one district, to be known as the school district of . [name of town,] and shall thereupon forthwith take possession of all school houses, land, apparatus, and other property owned and used for school purposes, which such districts might lawfully sell and convey; *provided however*, that no such consolidation shall take effect until a majority of the school districts in the town shall, by majority vote, in lawful meeting duly warned, approve thereof. The property so taken shall be appraised under the direction of the town, and, at the next annual assessment thereafter, a tax shall be levied upon the whole town, equal to the amount of said appraisal; and there shall be remitted to the tax payers of each district the said appraised value of its property thus taken; or, the difference in the value of the property of the several districts may be adjusted in any other manner agreed upon by the parties in interest.

Authorizing towns to consolidate school districts in one.

Appraisal of property, &c.

SEC. 2. Whenever any town shall consolidate its school districts, as is provided in the first section of this act, such town may, at its annual meeting, or at any special meeting called for such purpose, elect by ballot a committee of the town, not exceeding in number five persons, who shall have all the powers and discharge all the duties in relation to such school which are by law imposed upon district committees in relation to district schools.

When districts are consolidated, the town may appoint a committee.

Approved, July 21st, 1865.

CHAPTER CXIII.

An Act providing for the Release of Attachments.

Be it enacted by the Senate and House of Representatives in General Assembly convened :

Release of estate attached, after satisfaction of claim, how to be certified, and recorded.

SEC. 1. That whenever the real or personal estate of any person shall have been attached in any suit or proceeding, either at law or in equity, wherein a certificate of such attachment, or a copy of the writ or proceeding, is required by law, to be filed in the office of the town clerk, and the plaintiff therein shall have received satisfaction for his claim, or final judgment shall have been rendered against him therefor, such plaintiff, or his attorney, shall, at the request of any person interested in the estate on which such attachment was a lien, or interested in having the lien removed, lodge a certificate with the town clerk of the town in which such estate is situated, that said claim is satisfied, and said lien removed; and such town clerk shall make a memorandum of the release of such attachment on the page of the record where the certificate of the attachment of the real estate is recorded, and for such service he shall be entitled to receive the sum of ten cents, to be paid by the person for whose benefit such certificate shall have been filed.

Fees of town clerk for recording release.

Forfeiture for neglect to lodge certificate.

SEC. 2. If any person, who shall have received satisfaction, or against whom a final judgment shall have been rendered as aforesaid, or his attorney, shall, within thirty days after such request in writing shall have been made and sufficient proof of such satisfaction or judgment shall have been furnished to him, willfully refuse to lodge such certificate with the town clerk, he shall pay to the person aggrieved, the sum of ten dollars, for each week of his refusal or neglect to lodge such certificate, to be recovered in [an] action brought on this statute: but no person shall be compelled to file such certificate until the party for whose benefit the same shall be filed, shall pay to him the necessary expense thereof.

Approved, July 21st, 1865.

CHAPTER CXIV.

An Act conferring upon the City Court of the City of New Haven Criminal Jurisdiction, and for other Purposes.

Be it enacted by the Senate and House of Representatives in General Assembly convened :

SEC. 1. The city court of the city of New Haven shall have jurisdiction and cognizance of all crimes and misdemeanors committed within said city, the punishment whereof does not exceed a fine of two hundred dollars, or imprisonment in the common jail or work-house six months, or such fine and imprisonment both ; and shall have power to proceed to trial, render judgment and grant warrant of execution, in the same manner as justices of the peace in the several towns in this state may do, in criminal cases lawfully brought before them : *provided*, the accused may appeal to the next superior court for New Haven county, in all cases, except when the conviction shall be of the crimes of drunkenness, profane cursing and swearing, and sabbath breaking, upon giving bond with sufficient surety to the treasurer of this state, conditioned as in appeals from the judgments of justices of the peace to said superior court in criminal cases.

Criminal jurisdiction of city court of New Haven, defined.

Right of appeal.

SEC. 2. Said city court shall also have and exercise within said city, all the jurisdiction, authority and powers which justices of the peace, in the several towns in this state have and exercise, in all matters of a criminal nature ; and may proceed thereon in the same manner as such justices of the peace may do. No grand juror shall make complaint, either to said city court or to a justice of the peace, of any criminal matter whereof said city court has jurisdiction by this act ; nor shall any justice of the peace take cognizance of any action or complaint of a criminal nature whereof jurisdiction is conferred upon said city court by this act : *provided however*, that every grand juror of the town of New Haven shall have power to make complaint before said court, or before any justice of the peace in said town, of any criminal offence which has been or shall be committed in that part of said town which lies outside of the limits of said city ; and in reference to the prosecution of said complaint, said grand juror shall have all

City court to have all powers of justices of the peace, in criminal matters.

the powers which he now has in such cases ; and said court or justice of the peace before whom said complaint may be brought, shall have the same jurisdiction and powers in reference to said complaint which justices of the peace in said town now have in such cases.

How constituted. SEC. 3. Said city court shall be legally constituted for the exercise of all or any of the jurisdiction and powers conferred by this act, whenever any member thereof shall be present ; and said court shall proceed in all criminal cases without jury, may issue subpoena and capias for witnesses, warrants of arrest upon complaint made to it of crime, and all other usual criminal process, and administer justice in all criminal matters whereof this act gives jurisdiction and power, according to law. Said court may adjourn any case to a future day for trial, and take bond for the appearance of the accused as justices of the peace may do, and when the court has final jurisdiction thereof, the bond shall be taken to the treasurer of said city. Said court may, upon complaint and motion of the attorney for said city, supported by oath or affirmation, bring persons accused of crime committed within its jurisdiction before said court for trial, upon bench warrant, without previous complaint or process.

Their powers :—
To proceed without jury in criminal cases.

May adjourn trials, and take bond for appearance.

To sit daily. SEC. 4. Said court shall sit daily for the trial and disposition of all criminal matters legally brought before it ; and the clerk of said city court shall act as the clerk of said court when so sitting, and shall keep the criminal records thereof. All process, issuable by said court, may be signed by the clerk thereof, or any member of the court ; and all bonds and recognizances may be taken by said clerk, or any member of said court.

Clerk.

Process, how signed.

Bonds and recognizances, by whom taken.

City attorney to make presentment, &c. SEC. 5. It shall be the duty of the attorney for said city, diligently to enquire after and make due presentment or complaint to said court of all crimes, misdemeanors and other criminal matters, whereof said court has jurisdiction, or whereon said court may proceed, whether committed before or after his appointment to office. He shall be removable by said court for cause ; and, if he shall willfully neglect any duty imposed upon him by this act, he shall incur a penalty of one hundred dollars for every such neglect, one half to him who shall prosecute to effect, and the other half to the treasury of said city, which said penalty may be recovered in any proper action founded on this statute. Said attorney may, with the approbation of said court, appoint

To be removable by the court for cause.

Penalty for neglect of duty.

May appoint an assistant.

an assistant, who shall have the same powers, perform the same duties, and be subject to the same penalties as are conferred and imposed upon said attorney for said city, by this act. Said attorney shall collect, in the name of the city treasurer, and by suit when necessary, all bonds payable to said treasurer when the same shall be forfeited, and shall pay all sums received into the city treasury, except taxable fees; and said attorney or his assistant may issue subpoenas for witnesses to be sworn before said court, in criminal cases.

To collect forfeited bonds.

May issue subpoenas for witnesses.

SEC. 6. The city recorder shall be removable for cause by the court of common council of said city; and shall receive a salary, to be paid by said city, not to exceed at the rate of fifteen hundred dollars per annum; and each assistant judge of said court shall receive for the time he shall be employed, in the absence of the recorder, such compensation, to be paid by said city, as shall be fixed by said court of common council. No member of said court shall be disqualified to sit in any action from which money, by penalty or otherwise, may accrue to the treasury of said city, by reason of his being a resident of said city.

City recorder, to be removable by court of common council.
His salary.

Compensation of assistant judges.

Members of court not disqualified by reason of residence.

SEC. 7. The clerk of said court shall receive a docket fee of fifty cents for each case of a criminal nature brought before said court, which shall be in lieu of all other compensation for services required of said clerk by this act. The attorney for the city, or his assistant, as the case may be, shall receive the same fees in all respects as are allowed grand jurors in similar prosecutions and criminal proceedings before justices of the peace; which fees shall be in lieu of all other compensation for services required of said attorney or his assistant, by this act. In no case shall said attorney, or his assistant, be allowed fees for more than two days' attendance in the same case.

Fees of clerk.

Fees of city attorney, and assistant.

SEC. 8. The same costs shall be taxed by said court in all cases and proceedings of a criminal nature, as are taxed in similar cases and proceedings before justices of the peace, and a docket fee of fifty cents in addition: bench warrants shall be taxed at one dollar each; and all copies, in cases coming to the superior court from said city court by appeal, binding over or otherwise, shall be taxed the same as in similar cases coming to the superior court in the same manner from justices of the peace. In case of conviction all authorized costs

Taxable costs.

To be paid by the

accused, if convicted, otherwise by the city.

Clerk to receive and pay over all fines and costs.

Clerk may draw orders for payment of fees and costs.

To account quarterly with city treasurer.

To give bond.

Process, how served.

Commitment to State Reform School.

shall be taxed against and paid by the accused ; and all costs taxed under the provisions of this act, and not paid by the accused or otherwise received, shall be paid by said city.

SEC. 9. The clerk shall receive all fines and costs imposed by said court and paid before commitment ; and all fines and costs paid after commitment, to the keeper of the jail, workhouse, or other place where the offender is confined, shall be paid by such keeper, to said clerk upon demand. Said clerk shall also draw all sums taxed in the superior court, for costs before said city court, in cases coming from said court to said superior court, by appeal, binding over or otherwise. All fines, costs and other sums so coming into his hands, except such items of said costs as shall be by him paid to the persons entitled to receive the same, (which payments he is authorized to make, taking receipts therefor,) shall be paid by said clerk into the city treasury for the use thereof: *provided*, no part of said costs shall be received by or paid to any member of the police department of said city for any service whatever, as a witness or otherwise: *and provided further*, no person shall be entitled to receive any costs unless demand shall be made therefor within ninety days after the same shall have been taxed. Said clerk may draw orders on the treasury of said city for such sums as may be necessary to pay all fees and costs which have accrued and shall be payable to any person in criminal prosecutions, or he may pay the same out of the funds of the city in his hands. He shall account to the treasurer of said city quarterly, under such regulations as the court of common council shall prescribe, for all moneys by him received under the provisions of this act, and his disbursements thereof, and pay all balances at said times of accounting, into the treasury of said city. He shall execute a bond in the penal sum of two thousand dollars, to the treasurer of said city, with sureties satisfactory to the mayor of said city, conditioned for the faithful performance of every duty imposed upon him by this act.

SEC. 10. Process issued by said city court may be served by any member of the police department of said city, or by any proper officer or indifferent person ; and whenever said court shall, in the manner provided by law, sentence juvenile offenders to the State Reform

School, under and by virtue of the jurisdiction conferred by this act, the proper officers of said school shall receive and keep such offenders according to the rules and discipline of the same. All persons sentenced by said court to imprisonment in the county jail or work-house, in cases within its jurisdiction, shall be received and kept by the keepers thereof according to law.

To jail or work-house.

SEC. 11. It shall be lawful for all members of the police department of said city, and it shall be their duty to arrest without previous complaint and warrant, all such persons as are guilty of drunkenness, vagrancy, disorderly conduct, breach of the peace, common assaults and other offences, when such offences shall be committed within the jurisdiction of said city court, and such offenders shall be taken or apprehended in the act or on the speedy information of others; and all persons so arrested shall be immediately presented before said city court for trial. Each member of said police department shall also have power, by permission of the chief of said department, to pursue and arrest with process, in any part of this state, persons charged with any criminal act committed in said city. The chief of said police department shall have power, subject to the control of the board of police commissioners of said city, to suppress all tumults, riots and unlawful assemblies within said city, with force and strong hand; to enter any house or building in said city, reasonably suspected of being inhabited, frequented or resorted to by persons of ill fame, or persons of idle, dissolute or disorderly character, or for purposes of gambling or gaming; to command all such persons, when found in or about such house or building, to disperse, and upon their refusal so to do, to arrest such persons, and cause them to be brought immediately before said city court, to be proceeded against according to law; and to require any city sheriff, town or city constable, or any other person, to aid him in the execution of the powers conferred upon him by this section; and every person of sufficient age and ability, who shall refuse to aid and assist him when so required, shall forfeit a sum not exceeding thirty-four dollars, to the treasurer of said city, to be sued for and collected by the attorney for said city.

In what cases policemen may arrest without complaint or warrant.

Persons so arrested to be immediately presented. Police may pursue and arrest criminals in any part of this state.

Authority to suppress riots, &c.

To enter suspected buildings.

To make arrests.

To require aid, in the execution of powers,—under penalty for refusal.

SEC. 12. The board of police commissioners of said city, may appoint such number of ordinary policemen

Board may appoint policemen.

as the court of common council of said city may, from time to time, designate and prescribe.

SEC. 13. This act may be altered, amended or repealed by the General Assembly, and shall take effect on the day of its passage.

Approved, July 21st, 1865.

CHAPTER CXV.

An Act constituting a Board of Education.

Be it enacted by the Senate and House of Representatives in General Assembly convened :

Board of education, how constituted.

Tenure of office.

Vacancies, how filled.

Powers and duties; to have general supervision and control of education.

To make annual report to general assembly.

SEC. 1. There shall be appointed by the general assembly, four persons, to be selected, one from each congressional district in the state, who, together with the governor and lieutenant-governor, shall constitute and be denominated the "Board of Education," and the persons so appointed shall hold their offices for the term of four years; but the first person named in said board shall go out of office at the end of one year, the next named at the end of two years, and so of the remaining members, one retiring each year in the order in which they are named, till the whole board be changed; and the governor and lieutenant-governor may fill, till the next session of the general assembly, all vacancies in said board which may occur from death, resignation or otherwise.

SEC. 2. The board of education shall have general supervision and control of the educational interests of the state; they shall discharge all the duties and exercise all the powers heretofore by any legislation committed to the trustees of the normal school; shall have power to direct what books shall be used, in all the schools of the state; shall prescribe the form of registers to be kept in the schools, and the form of the blanks and inquiries for the returns to be made by the school committees; shall, annually, on or before the third Wednesday in May, lay before the legislature a report containing a printed abstract of said returns, and a detailed

report of all the doings of the board, with such observations upon the condition and efficiency of the system of popular education, and such suggestions as to the best means of improving it, as the experience and reflection of the board may dictate.

SEC. 3. The board may appoint its own secretary, Secretary of the board: his duties. who, under its direction, shall make the abstracts required by section two, and discharge all the duties heretofore by any legislation devolved upon the superintendent of common schools; he shall suggest to the board and to the legislature, improvements in the system of public schools, and in the management of the normal schools; shall visit, as often as his other duties will permit, different parts of the state, for the purpose [of] awakening and guiding public sentiment in relation to the practical interests of education; shall collect in his office, such school books, apparatus, maps and charts, as can be obtained without expense to the state; receive and arrange in his office, the reports and returns of the school committees, and receive, preserve or distribute the state documents in relation to the public schools.

SEC. 4. He shall, under the direction of the board, give sufficient notice of such meetings of teachers of public schools, members of school committees of the several towns, and friends of education generally, in any county, as may voluntarily assemble, at such time and place as may be designated by the board, and shall at such meetings collect information as to the public schools of the county, of the fulfillment of the duties of their office by members of school committees and school visitors, and of the circumstances of the school districts in regard to pupils, teachers, books, apparatus and methods of education, to enable him to furnish all information desired for the report of the board of education; he shall send the blank forms of inquiry and of the school registers, the annual reports of the board and his own annual report to the clerks of the several towns and cities as soon as they are ready for distribution.

SEC. 5. He shall receive from the treasury an annual salary of eighteen hundred [dollars] and his necessary traveling expenses incurred in the performance of his official duties, after they shall have been audited and approved by the board; and all postages and other Salary of the secretary.

necessary expenses arising in his office shall be paid from the treasury, in the same manner as those of the other departments of the government.

Expenses of members of the board, to be paid from the treasury.

SEC. 6. The incidental expenses of the board, and the expenses of the members thereof, incurred in the discharge of their official duties, shall be paid out of the treasury, their accounts being first audited and allowed.

SEC. 7. All laws inconsistent herewith are hereby repealed.

Approved, July 21st, 1865.

CHAPTER CXVI.

An Act entitled an Act in addition to, and in alteration of, "An Act for the Assessment and Collection of Taxes."

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Railroad and horse-railroad companies, to make annual returns to the comptroller.

SEC. 1. The secretaries or treasurers of the several railroad companies and horse-railroad companies, which have been or may hereafter be incorporated in this state, shall, within the first ten days of October, in each year, make out, under oath, and deliver to the comptroller of public accounts, full and true lists or statements of the number of shares of stock in their respective companies; the amount of their funded and floating debt, the amount of cash on hand; the true market value of each share of stock, and of their funded and floating indebtedness, on the first day of the month in which such lists or statements are herein required to be made; the whole length of their respective roads, and the length of those portions thereof, if any there are, lying without this state.

To pay annual tax of one per cent. of market value of stock, and debt.

SEC. 2. Each of the several railroad companies aforesaid, shall, annually, on or before the twentieth day of October, in each year, pay, or cause to be paid, to the treasurer of this state, for the use of the state, a sum equal to one per cent. of the market value of the stock, and of the funded and floating debt of such

company, whether the stock and debt of such railroad and horse-railroad company be owned by persons residing in this state or elsewhere ; first abating from such valuation the amount of cash actually on hand ; which valuation so made, and approved or amended by the board of equalization, shall be regarded as fixing the basis or measure of value of such railroad and horse-railroad, their rights, franchises and property, within this state, for purposes of taxation ; and this sum or tax shall take the place and be in lieu of all other taxes on railroads and horse-railroad property and franchises within this state. *Provided however*, that when a railroad lies partly within this state, and partly within some adjoining state or states, there shall be paid only such portion of the percentage herein required to be paid by such companies, respectively, on the value of such railroad property, estimated as aforesaid, as the length of that portion of the road which lies within this state bears to the whole length of the road. *Provided furthermore*, that if when any tax hereby imposed upon the property and franchises of any railroad company or horse-railroad company, becomes due, and such company shall not then be in the possession, and have the management and control, of its road, or the road bearing its name, each and every person, railroad or corporation then owning, possessing, operating or having the management and control of such railroad or horse-railroad, either as trustee, assignee, agent or lessee, shall be liable, and is hereby required to pay such tax, or cause it to be paid, to the treasurer of this state, for the use of the state, within the time prescribed by this act, for the payment of the same.

To be in lieu of all other taxes.

When part of a road lies without this state.

When road is not in possession of the company, the tax to be paid by party possessing or managing the road.

SEC. 3. The secretaries, treasurers, superintendents or managers of the several telegraph companies, now or hereafter doing business in this state, shall, on or before the tenth day of October, 1865, and within the first ten days of October in each year thereafter, make out, under oath, and deliver to the comptroller of public accounts, true and full statements of the gross amounts of receipts for telegraphic messages, at each of the offices or places of doing business of said respective companies, within the limits of this state. And each of said telegraph companies, shall, within the first twenty days of October, A. D. 1865, and within the first twenty days of October in each year thereafter,

Telegraph companies, to make annual returns to comptroller.

To pay annual tax of two per cent. of gross amount of receipts for messages.

To be in lieu of all other taxes.

Other chartered corporations, except savings banks, to make annual returns of value of stock, &c.

To pay annual tax of one-quarter of one per cent on market value of stock.

Stock or property not hereby exempted from other taxation.

Mutual insurance companies, to make annual returns of cash capital.

pay, or cause to be paid, to the treasurer of this state, for the use of the state, two per cent of the gross amount of all receipts for telegraphic messages, paid to such company within the limits of this state during the year preceding the first day of the month in which such payment is herein required to be made, which sum or tax shall be in lieu of all other taxes upon the real and personal estate of said company, used exclusively in its telegraphic business.

SEC. 4. The cashiers, secretaries, treasurers or clerks of the several corporations, other than savings banks and those specially mentioned in this act, which have been or may hereafter be incorporated by, or located or established in this state, under special charters from the general assembly of this state, shall, within the first ten days of October, A. D. 1865, and within the first ten days of October in each year thereafter, make out, under oath, and return to the comptroller of public accounts, true lists or statements of the number of shares of stock in their respective corporations, and the market value of such shares, respectively, on the first day of the month in which such statements are herein required to be made. And each of said corporations, herein required to make such returns, shall, on or before the twentieth day of October in each year, pay, or cause to be paid, to the treasurer of this state, for the use of the state, a sum equal to one-quarter of one per cent. of the market value of all the stocks of such corporation; but nothing herein contained shall be construed as exempting the stock or property in any of said corporations from taxation in the manner now by law provided; and said cashiers, secretaries, treasurers or clerks, shall make to the assessors of the several towns of this state, the returns required by any existing law.

SEC. 5. The secretaries, treasurers or clerks of the several insurance companies chartered by this state, and conducted in whole or in part upon the plan of mutual insurance, shall, on or before the tenth day of October in each year, make returns and statements under oath, to the comptroller of public accounts, of the total amount of cash capital, either invested or on deposit, belonging to said companies respectively, on the first day of October in that year, being the proceeds of insurance upon the plan of mutual insurance; and it shall be the duty of each of said insurance compa-

nies to pay to the treasurer of this state, for the use of the state, on or before the twentieth day of October in each year, a sum equal to one per cent. on its said capital; the same to be in lieu of all other taxes upon such capital, except any and all real estate held by such company over and above what may be necessary and used by such company for the transaction of its appropriate business.

To pay annual tax of one per cent. on capital.

To be in lieu of all other taxes

SEC. 6. The secretaries, treasurers, superintendents or managers of the several express companies, copartnerships, or individuals, now or hereafter doing an express business in this state, shall, on or before the tenth day of October, A. D. 1865, and with the first ten days of October, in each year thereafter, make out, under oath, and deliver to the comptroller of public accounts, true and full statements of the gross amounts of express charges paid to said companies, copartnerships, or individuals, respectively, at each of the offices or places of doing business of said respective companies, copartnerships, or individual, within the limits of this state. And each of said express companies, copartnerships, or individuals, shall, within the first twenty days of October, A. D. 1865, and within the first twenty days of October in each year thereafter, pay, or cause to be paid, to the treasurer of this state, for the use of the state, two per cent. of the gross amount of all express charges paid to such company, copartnership, or individual, within the limits of this state, during the year preceding the first day of the month in which such payment is herein required to be made, which sum or tax shall be in lieu of all other taxes upon the real and personal estate of said company, copartnership, or individual, used exclusively in its express business: *provided, however*, that whenever any such company, copartnership, or individual shall fail to make the returns required by this section, the treasurer of the state is hereby authorized to accept from such company, copartnership, or individual, the sum of two thousand dollars in lieu and full satisfaction of the tax then due under this section from such company, copartnership, or individual.

Express companies, to make annual returns of gross receipts.

To pay annual tax of two per cent. of gross amount of express charges.

In lieu of all other taxes.

SEC. 7. It shall be the duty of the board of equalization, now established by law, to examine and amend, or correct all lists and statements returned to the comptroller of public accounts, as herein required, in such manner as they may deem just and equitable. And in

Lists and statements to be corrected by board of equalization.

To make lists
and statements,
when the parties
required neglect
to make return.

Their decision to
be final.

Forfeiture for
neglect to make
required returns.

For neglect to
pay taxes.

case any person required by this act to make returns to the comptroller of public accounts, shall fail to make such return within the time and in the manner herein prescribed, or shall, in the opinion of the board of equalization, make erroneous returns, it shall be the duty of said board, within ten days after the time herein limited for making such returns, to make out, upon the best information which they can obtain, the statement or list herein required to be made and returned by the person so failing, or making such erroneous return; and a true copy of each list and statement, as amended, corrected, approved, or made out by said board of equalization, shall be by them returned to each respective cashier, treasurer, secretary, superintendent, manager, agent, auctioneer or clerk, by mail or otherwise; and the decision of said board of equalization shall be final and conclusive as to the value of said deposits, stocks, property, receipts and collections, sales, and numbers of messages, upon which the respective taxes hereby imposed are to be paid.

SEC. 8. If any person shall fail to make out and return to the comptroller of public accounts, within the time and in the manner herein prescribed, any list or statement herein required to be made and so returned, each person so failing shall, for each failure, forfeit to the treasurer of this state, for the use of this state, the sum of five hundred dollars, to be recovered in the name of the treasurer by action on this statute. And if any person, association, company, or corporation, required by this act to make any payment to the treasurer of this state, shall fail to make, within the time herein limited, the payment so required, the person, association, company or corporation so failing shall, for each such failure, forfeit to the treasurer of this state a sum equal to twice the amount of the tax hereby imposed upon such person, company, association, or corporation, the same to be recovered, in the name of the treasurer, by action on this statute.

SEC. 9. All acts and parts of acts inconsistent herewith are hereby repealed.

Approved, July 21st, 1865.

CHAPTER CXVII.

An Act for the protection of Life at Railroad Crossings.

Be it enacted by the Senate and House of Representatives in General Assembly convened :

SEC. 1. The selectmen, or a majority of them, of any town in which the track of any railroad crosses or shall cross any highway, upon a level with said highway, may, at any time, make written application, (and whenever requested so to do by ten electors of said town, shall make written application,) to the general railroad commissioners, requesting said commissioners to order a gate or gates to be erected or a flag-man or flag-men to be stationed at the place where said railroad crosses or shall cross said highway as aforesaid, and thereupon it shall be the duty of said commissioners, without unnecessary delay, to visit said town and make an examination of said place, first giving reasonable notice of the time when said examination is to be made, so that said selectmen may be present at said examination if they see fit; and if, upon said examination, said commissioners shall be of opinion that the public safety and interests require it, said commissioners shall order the company operating said railroad to erect and maintain a gate or gates at said place, or to station and keep there a flag-man or flag-men, or to do any other acts which said commissioners may deem needful for the protection of the public at said place; and in making any such order requiring the erection of any gate or the stationing of any flag-man at said place, said commissioners may specify at what times said gate is to be opened and closed, or at what times said flag-man is to be kept on duty.

Said commissioners may change any such order when they deem it necessary so to do, but not without first visiting said town, and there giving the selectmen of said town a reasonable opportunity to appear before them and object to the proposed change.

It shall be the duty of every railroad company faithfully to obey every such order so given to said company by said commissioners.

General railroad commissioners on application of selectmen may order gates to be erected, or flag-men stationed, at highway crossings.

May change such order,—after notice to selectmen,

Duty of railroad companies to obey such orders.

Warning-boards
to be maintained
by railroad com-
pany, where
there is no gate.

SEC. 2. At every place where any railroad crosses or shall cross any highway on a level with said highway, and where there is or shall be no such gate, the company operating said railroad shall at all times keep and maintain good and sufficient warning boards of such form, size and description as said commissioners shall approve.

Commissioners
empowered to en-
force obedience.

SEC. 3. The general railroad commissioners shall enforce obedience on the part of all railroad companies to all the provisions of this act; and all the powers which the judges of the superior court and said commissioners can respectively exercise under the thirteenth section of the act of 1853, entitled "An Act to prevent Injuries and the Destruction of life upon Railroads and by Railroad Trains," in the cases specified in said thirteenth section, the said judges and said commissioners shall respectively have and exercise in case of the violation of any provision of this act by any such company, for the purpose of compelling said company to desist from such violation and render due obedience to the requirements of this act.

Approved, July 21st, 1865.

CHAPTER CXVIII.

An Act in addition to "An Act relating to the General Assembly."

Be it enacted by the Senate and House of Representatives in General Assembly convened :

When law re-
quires advertised
notice of peti-
tion, resolution
of incorporation
not to be passed
except upon pe-
tition.

No resolution incorporating any bank, or company, when the law requires that notice of the petition for the incorporation thereof shall be given by advertisement, shall be passed by the General Assembly, except upon a petition of which notice has been given as aforesaid.

Approved, July 21st, 1865.

CHAPTER CXIX.

An Act in alteration of "An Act concerning Communi-
ties and Corporations."

Be it enacted by the Senate and House of Representatives in General Assembly convened :

SEC. 1. Every town shall, in the manner hereinafter provided, erect and maintain guide posts on the highways and other ways within the town, at such places as are necessary or convenient for the direction of travellers.

Guide posts to be erected and maintained by towns.

SEC. 2. The selectmen of each town shall submit to the inhabitants at every annual meeting, a report of all the places in which guide posts are erected and maintained within the town, and of all places at which in their opinion they ought to be erected and maintained. For each neglect or refusal to make such report, they shall severally forfeit the sum of ten dollars.

Selectmen to make annual report to the town, —under penalty for neglect.

SEC. 3. Upon the report of the selectmen, the town shall determine the several places at which guide posts shall be erected and maintained, which shall be recorded in the town records. A town which neglects or refuses to determine such places and to cause a record thereof to be made, shall forfeit the sum of five dollars for every month during which it neglects or refuses so to do ; and in such case, upon any trial for not erecting or maintaining guide posts, reported to be necessary or convenient by the selectmen, the town shall be estopped from alleging that such guide posts were not necessary or convenient.

Location of guide posts to be determined by the town, and recorded.

Penalty for neglect or refusal by town, to locate and record.

SEC. 4. At each of the places determined by the town, there shall be erected a substantial post of not less than eight feet in height, near the upper end of which shall be placed a board or boards, and upon each board shall be plainly and legibly painted or otherwise marked, the name of the next town or place, and such other town or place of note as the selectmen think proper, to which each of such roads leads, together with the distance or number of miles to the same, and also the figure of a hand, with the forefinger thereof pointing towards the towns or places to which said roads lead. *Provided*, that the inhabitants of any town, may, at their annual meeting, agree upon some suitable substitute for such guide posts.

Description of guide posts to be erected.

Penalty for neglect to erect and maintain.

SEC. 5. Every town which neglects or refuses to erect and maintain such guide posts, or some suitable substitutes therefor, shall forfeit annually the sum of five dollars for every guide post which it so neglects or refuses to maintain.

SEC. 6. All acts and parts of acts inconsistent with this act are hereby repealed.

Approved, July 21st, 1865.

CHAPTER CXX.

An Act in addition to and in amendment of "An Act concerning Education."

Be it enacted by the Senate and House of Representatives in General Assembly convened :

Repeal of provision making the principal of the normal school ex officio superintendent of common schools.

SEC. 1. That so much of section first of the act of 1849, in alteration of "An Act concerning Education," as makes the principal of the state normal school, *ex officio*, superintendent of the common schools of the state, be, and the same hereby is repealed, the repeal to take effect upon the appointment of a secretary of the board of education.

Board of education may limit number of scholars in primary school, or discontinue it.

SEC. 2. That section six of the act of 1849 aforesaid, authorizing the trustees of the state normal school to establish a model primary school, be so amended or construed as to authorize the board of education to limit the number composing the said model primary school, or, at their discretion, to discontinue it altogether.

May make regulations for examination of candidates for admission.

SEC. 3. That the board of education are hereby authorized to make all needful regulations for the examination of all candidates for admission to the normal school, with the power of approving or rejecting such persons as may have been recommended by the school visitors in their respective towns.

SEC. 4. All acts and parts of acts inconsistent with this act are hereby repealed.

Approved, July 21st, 1865.

CHAPTER CXXI.

An Act to confirm the doings of Assessors and Boards of Relief, in certain cases.

Be it enacted by the Senate and House of Representatives in General Assembly convened :

SEC. 1. That in cases where the assessors or board of relief in any town have been elected at a meeting not legally warned for that purpose ; and in all cases in which the assessors in any town have omitted to post notices, or publish the same in accordance with the third section of " An Act for the Assessment and Collection of Taxes ;" and in all cases in which assessors have omitted to sign, or return, or make oath to an abstract of the assessment lists of their respective towns, or to lodge the same in the town clerk's office in said towns, by the fifteenth day of December, in each year, or have not included in said abstract the list or a part of the list of any person ; and in all cases wherein the valuation and assessment of the interest of any manufacturing or mechanical business shall have been made in the names of the individual owners thereof, instead of in the company or corporate name ; and in all cases in which the assessors have not signed the assessment list or lists of their respective towns collectively, but have signed the same individually, or for districts or societies in said towns, or have not signed them at all ; and in all cases when said assessment list has been added to, made out, or altered, before the boards of relief have equalized and adjusted the returns and assessments of their respective towns ; and in all cases in which the board of relief in any town, have met for the transaction of business before the first Monday of January, in each year, or have omitted to give notice of the time and place of their meetings, according to law ; and in all cases in which the town clerk of any town has not transmitted to the comptroller of public accounts an abstract of the list of such towns by the first day of March in each year, and in which said assessors or members of such board of relief have omitted to take the oath provided by law ; or when the assessors in any town have assessed any company or corporation under the name or firm by which they are generally known or recognized, yet other than that by which they are

Assessment lists not to be adjudged void, because of certain defects or omissions.

known in law ; and in all cases where the assessors in any town have omitted to set the taxable property of non-residents in a separate list, according to the provisions of the twenty-seventh section of said act ; such assessment lists shall not for any such causes, be adjudged void, but the same are hereby ratified and confirmed, and all taxes which have been, or shall be, hereafter laid and imposed, according to such assessment lists, may, notwithstanding, be levied and collected ; and in all cases in which a rate bill heretofore made out for the collection of any tax laid according to law, has not been made out under the hands of the selectmen of a town, or of a committee of any other community, according to the provisions of said act, such rate bill shall be good and valid, to all intents and purposes, and in the same manner as if the same had been made out under the hands of said selectmen or committee ; and all warrants heretofore granted for the collection of such tax, and all bonds, notes and other securities given by the collectors for the security or payment of such tax, shall be in like manner good and valid. *Provided*, that this act shall not affect any suit now pending.

SEC. 2. This act shall take effect from and after the day of its passage.

Approved, July 21st, 1865.

CHAPTER CXXII.

An Act for the Protection of Life at Railroad Stations, and on Railroad Tracks.

Be it enacted by the Senate and House of Representatives in General Assembly convened :

SEC. 1. No minor shall climb, jump, step or stand upon, or cling to, or in any way attach himself to, any engine or car, either stationary or in motion, upon any part of the track of any railroad, unless in so doing he shall be acting in compliance with, and by permission of, the lawful rules and regulations of the company then owning or managing said railroad.

Penalty for minor climbing or standing on railroad, engines or cars.

SEC. 2. Whenever any station agent, freight agent, Station agents, &c., to make complaint to grand juror. or other officer or agent of any railroad company, employed to transact, at or near any railroad station, any part of the business of said company, shall know or have immediate and reliable information that, at or near said station, any person has violated either of the foregoing provisions of this act, and has thereby endangered himself or caused reasonable alarm to others, said officer or agent shall, without unnecessary delay, make complaint of said offence, against the person so offending, to a grand juror of the town in which said offence shall have been committed, or to some other officer in said town having authority to prosecute for said offence; and thereupon said grand juror or other prosecuting officer shall forthwith prosecute said offender for said offence.

SEC. 3. Every parent, or other person having legal Parents required to use due care to prevent children from loitering near railroad tracks. control of any child, shall use, at all times, the utmost reasonable care and diligence to prevent said child from unnecessarily loitering or lingering at or near any railroad station or railroad track, and to prevent said child at all times from being unnecessarily at or near any such station or track, at all, except while under the immediate care of some adult person.

SEC. 4. Every person who shall violate any of the Penalty for violation. foregoing provisions of this act, shall be punished by a fine not exceeding fifty dollars, or by imprisonment in a common jail for a period not exceeding thirty days, or by such fine and imprisonment both.

SEC. 5. The general railroad commissioners shall, Printed copies of this act to be posted by railroad commissioners. without unnecessary delay, cause printed copies of this act to be posted in conspicuous places at all railroad stations in this state, and shall cause such copies to be at all times kept so posted at said stations.

Approved, July 21st, 1865.

CHAPTER CXXIII.

An Act in addition to "An Act relating to Salaries and Fees."

Be it enacted by the Senate and House of Representatives in General Assembly convened :

Fixing the salary of the state treasurer.

SEC. 1. That the salary of the treasurer of the state shall be fifteen hundred dollars per annum, instead of one thousand dollars, as is by law provided, three hundred dollars of which shall be paid from the school fund for services regarding that fund.

SEC. 2. The treasurer is hereby authorized to receive the salary provided in the preceding section from and after the second Monday of May, 1864 ; and the same shall hereafter be payable at the times and in the manner prescribed in the fourth section of the act to which this is in addition.

Approved, July 21st, 1865.

CHAPTER CXXIV.

An Act in alteration of "An Act concerning communities and Corporations."

Be it enacted by the Senate and House of Representatives in General Assembly convened :

Directors of joint stock corporations to choose president, secretary, and treasurer.

SEC. 1. The directors of every corporation organized and established, or which may hereafter be organized and established under the provisions of section 196 of the act entitled "An Act concerning Communities and Corporations," shall choose one of their number to be president, and shall also choose a secretary and treasurer, which last two mentioned officers shall reside and have their place of business, and keep the books of said corporation, within this state, and shall choose such other officers as the by-laws of the corporation shall prescribe, all which said officers shall hold their offices until others shall be chosen in their stead.

Secretary and treasurer, to reside, and keep the books, within this state.

Books to be open to the inspection of stockholders.

SEC. 2. The books of every such corporation, containing their accounts, shall be kept, and shall at all

reasonable times be open, in the town where such corporation is located, or at the office of the treasurer within this state, for the inspection of any of the stockholders of said corporation ; and said stockholders shall have access to the books and statements of said corporation, and shall have the right to examine the same in said town, or at said office ; and as often as once in each year a true statement of the accounts of such corporation shall be made and exhibited to the stockholders, by order of the directors.

Statement of accounts to be made annually.

SEC. 3. Sections 202 and 207, of Title III, entitled "An Act concerning Communities and Corporations," and all acts and parts of acts inconsistent herewith, are hereby repealed.

Approved, July 21st, 1865.

CHAPTER CXXV.

An Act relating to Civil Actions.

Be it enacted by the Senate and House of Representatives in General Assembly convened :

SEC. 1. That whenever application shall be made to a town, to form, alter or dissolve a school district, any district aggrieved by the action or neglect of action of the town, in the premises, may appeal from such action or neglect of said town, in the premises, to the superior court of the county in which such town is situated.

School districts may appeal to superior court, from the action of the town on, or neglect of, petition to alter or dissolve districts.

SEC. 2. Such appeal may be taken to either of the next two terms succeeding the action, or neglect, appealed from, and shall be made by a brief statement, that such appeal is taken, by whom, and the subject matter of such appeal, signed by the proper agent or attorney of the appellants, to which shall be annexed a citation signed by proper authority, notifying the appellees to appear at the court to which such appeal is taken ; and service thereof shall be made by some proper officer, leaving a true and attested copy of such appeal and citation with the town clerk or one of the

Appeal, how to be taken.

Service and citation.

selectmen of such town, and with the clerk or one of the district committee of any other district interested, at least twelve days before the session of the court to which the same is made returnable.

Hearing.

Court may appoint a committee.

Record.

Costs.

SEC. 3. Said court shall hear the parties, and shall have the same powers to act upon said application that said town by law had. And if said court sees fit, it may appoint a committee to report the facts and their opinion thereon. And the final decree of said court in the premises shall be recorded in the records of said town. And said court shall have full power as to the allowance and taxation of costs, including the fees for the surveys, and copies and recording of such decree.

SEC. 4 No alteration of the lines so fixed by such decree shall be made, except by the superior court of such county. And such court shall have original jurisdiction of any application for the purpose made by any district interested.

Approved, July 21st, 1865.

CHAPTER CXXVI.

An Act in alteration of an Act entitled "An Act relating to Salaries and Fees."

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Fixing the compensation of members of the senate and house of representatives, and clerks.

Allowance for travel.

Not to be paid for more than forty-five days, actual session.

Members required to report absence,—to be deducted in set-

SEC. 1. That the salary of each member of the Senate and House of Representatives, and of each clerk of either house, shall be three dollars a day; and [of] the speaker of the House of Representatives, five dollars a day; and for travel in going to and returning from the place of session, ten cents a mile, once coming and once returning; *provided*, that no member of either house shall receive compensation for more than forty-five days of actual session, not including Sundays.

SEC. 2 Each member of either house shall report to the treasurer the number of days he has been absent during the session; and it shall be the duty of the

treasurer to deduct such absence, in the settlement of tlement by the
his account. treasurer.

SEC. 3. The salary of the messenger of the Senate Pay of messen-
shall be three dollars a day, for each day of actual ses- gers and door-
sion; and of each doorkeeper of the Senate and House keepers.
of Representatives, and messengers of the House of No allowance for
Representatives, three dollars a day, without mileage mileage, or other
or other compensation. compensation.

SEC. 4. This act shall take effect from the first day
of May, 1866.

Approved, July 21st, 1865.

CHAPTER CXXVII.

An Act in addition to "An Act to authorize the Issue
of State Bonds, and to borrow Money," approved
July 14th, 1865.

*Be it enacted by the Senate and House of Representa-
tives in General Assembly convened :*

SEC. 1. That the bonds of the State of Connecticut State bonds to be
which shall be issued under the act to which this act is issued under act
in addition, shall be and remain exempt from taxation of 1865, (Chap.
by or under state or municipal authority. LXXXIX), exempt-
ed from state and
municipal taxa-
tion.

SEC. 2. This act shall take effect from its passage.

Approved, July 21st, 1865.

CHAPTER CXXVIII.

An Act in alteration of an Act entitled "An Act to en-
courage the Erection and Support of Water Power
Manufactories."

*Be it enacted by the Senate and House of Representa-
tives in General Assembly convened :*

SEC. 1. No dam shall be erected under the provi- Prohibiting the
sions of the act, entitled "An Act to encourage the Erec- erection of dams
tion and Support of Water Power Manufactories," ap- to the injury of
existing mills, or
mill sites.

proved July 6th, 1864, to the injury of any mill lawfully existing either above or below it, on the same stream, nor to the injury of any mill site on the same stream on which a mill or mill dam shall have been lawfully erected and used, unless the right to maintain a mill on such last mentioned site shall have been lost or defeated by abandonment or otherwise.

SEC. 2. The fourth section of an Act entitled "An Act to encourage the Erection and Support of Water Power Manufactories," approved July 6th, 1864, is hereby repealed.

Approved, July 21st, 1865.

CHAPTER CXXIX.

An Act in addition to an Act entitled "An Act for the Encouraging and Regulation of Fisheries."

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Penalty of obstructing by stakes, or otherwise, the drawing of seines.

No person shall place any obstructions by driving stakes, or otherwise, upon any fishing place, within the limits of this state, where fish are usually taken with seines; or in front thereof upon ground swept by seines when taking fish in a proper manner, except with the consent of the owner thereof; on penalty of forfeiting, for every such offence, the sum of fifty dollars to him who shall sue therefor and prosecute his suit to effect.

Approved, July 21st, 1865.

CHAPTER CXXX.

An Act in addition to "An Act concerning Communities and Corporations."

Be it enacted by the Senate and House of Representatives in General Assembly convened:

That the selectmen of the several towns in this state are authorized in times of unusual excitement, occasioned by the repeated depredations of burglars and thieves, to organize a volunteer force, composed of the inhabitants of their respective towns, for the purpose of a watch or night patrol, who shall be sworn to the faithful performance of their duty, and who shall have power to apprehend, without warrant, suspicious persons, abroad in the night season, and to carry them before any justice of the peace, that further proceedings may be had against them, according to law.

Selectmen authorized to organize volunteer night watch or patrol:

Who may apprehend suspicious persons without warrant.

Approved, July 21st, 1865.

CHAPTER CXXXI.

An Act in addition to an Act in addition to an Act, entitled "An Act to Prevent Animals running at large upon Public Highways."

Be it enacted by the Senate and House of Representatives in General Assembly convened:

That the provisions of the act to which this is in addition, approved July 1st, 1863, be, and the same are hereby, extended and made applicable to goats, in the same way, manner and to the same extent as the provisions of said act now apply to sheep.

Provisions of act of 1863 extended to goats.

Approved, July 21st, 1865.

CHAPTER CXXXII.

An Act for the Improvement of the Navigation of Connecticut River.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Masters of vessels bringing cargoes from beyond the mouth of Conn river, and of tow steamers and propellers, to report to the port warden of Hartford.

To pay toll.

Master or persons in charge, to be liable for toll.

Forfeiture for neglect to report and pay toll.

SEC. 1. It shall be the duty of the master or person in charge respectively of all sailing vessels or propellers, of a draft of more than six feet and of over fifty tons burthen, bringing cargo to the city of Hartford, from any port or place beyond the mouth of Connecticut river, and all steamers or propellers engaged in towing on said river, to report to the port warden of the city of Hartford, within twenty-four hours after every arrival at said city, stating to said warden the name and registered tonnage of the same respectively, and to pay to said port warden toll as follows, to wit: for all sailing vessels and propellers carrying cargo, and all steamers and propellers engaged in towing, a toll of two cents per ton upon the registered tonnage of the same respectively, except in cases where the actual weight of cargo can be determined by the bill or bills of lading, then said toll shall be imposed on said actual tonnage, at the rate of one cent per ton: and the Hartford and New York steamboat company shall annually hereafter on the first day of June in each year pay to said port warden the sum of one thousand dollars in lieu of all tolls imposed by this act. And the master or person in charge of any such vessel, propeller or steamer, together with the owner or owners of the same, at the time when said toll became due and payable, shall be jointly and severally liable for the same; and if the master or person in charge of any such vessel, propeller or steamer shall neglect so to report and pay toll as aforesaid, and after demand made by said port warden, shall still neglect to pay toll as aforesaid, the master or person in charge of the same at the time said toll became due and payable, together with the owner or owners of the same respectively, shall be jointly and severally liable to pay double the amount of toll hereby imposed, to be sued for and recovered in the name of the city of Hartford, and the city court of said city shall have jurisdiction of all suits instituted for said purpose.

SEC. 2. It shall be the duty of said port warden to keep a record of all vessels, propellers and steamers paying or liable to pay toll under this act, and of the amount of toll collected from each; and once in every month to render a correct account to the treasurer of said city, of all moneys received by him for toll, and to pay over the same to said treasurer: and the court of common council of said city shall cause all moneys received under this act, and also all moneys that said court of common council may appropriate for the same purpose, except as hereinafter provided, to be expended for the improvement of the channel of Connecticut River between the towns of Hartford and Middletown, and for any and all purposes necessary and proper for rendering the navigation of said river, between the towns aforesaid, safe and convenient, under the direction of a committee to be appointed by said court of common council: and said committee shall, from time to time, render true and just accounts and vouchers for all moneys expended for the purpose aforesaid, to the treasurer of said city, and the same shall be audited and adjusted as the other accounts of said city are. And the said committee shall annually make a report to the legislature of this state, stating therein, fully and particularly, the amount of money received from tolls, the amount of money expended by them, the purpose for which and the manner in which the same was expended, and also the condition of the channel of said river between the towns aforesaid.

Port warden to keep record of vessels, &c., and of amount of tolls collected.

To account with city treasurer, monthly.

Tolls to be expended for improving the channel of Conn. river between Hartford and Middletown.

Committee to account with the treasurer for moneys expended.

To make annual report to Gen. Assembly.

SEC. 3. The said port warden shall receive such reasonable compensation for performing the duties imposed by this act, as the said court of common council may prescribe, not exceeding two hundred dollars per annum, to be paid from the tolls collected under this act. And before entering upon the performance of said duties, the said warden shall give a bond with surety, to be approved by the mayor of said city, to said city, in a sum of not less than one thousand dollars, conditioned for the faithful performance of the same.

Compensation of port warden.

To give bond.

SEC. 4. This act shall not take effect until the same shall have been accepted and approved by said court of common council.

Subject to approval by court of common council.

Approved, July 21st, 1865.

CHAPTER CXXXIII.

An Act relating to Bounties.

Whereas, the town of Warren, at a meeting or meetings held for that purpose, made appropriations or voted aid to those who should volunteer, or furnish substitutes, provided said volunteers or substitutes should be mustered into the military service of the United States and apply upon the quota of said town, under the call or calls of the president of the United States, outstanding at the time of said meeting or meetings respectively, and to men drafted under said call or calls; *and whereas*, like meetings were held, appropriations made, votes passed, and other acts done by various towns in this State, prior to the first day of May, 1865, in aid of volunteers, persons furnishing substitutes or drafted men: therefore,

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Towns authorized to make appropriations to volunteers, or persons procuring substitutes, who have not heretofore received aid.

May borrow money.

Action of towns confirmed.

That said towns be, and they hereby are authorized, at meetings legally warned and held for that purpose, to make such appropriations as shall be deemed expedient, to those who have volunteered or furnished substitutes as aforesaid, but who owing to the form of the vote or votes making the appropriations, have received no aid or assistance, and to borrow money, and do all other acts necessary to carry into effect said appropriations; and all meetings held, votes passed, appropriations made, and other acts done by the various towns in this state, as set forth in the preamble of this act, are hereby ratified and confirmed, and made as valid as if the same had been previously authorized by law.

Approved, July 21st, 1865.

CHAPTER CXXXIV.

An Act in relation to Fences along the Lines of Railroads.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

SEC. 1. Whenever any owner of land on the line of any railroad, while said road is or shall be in process of construction, or after said road has been or shall have been constructed, shall complain in writing to the general railroad commissioners, that the railroad company constructing or operating said road neglects or refuses to erect a suitable fence along said line, to the damage or inconvenience of said land-owner, it shall be the duty of said commissioners to visit and examine the locality where said grievance is so alleged to exist; and if, in the opinion of said commissioners, there is just cause for said complaint, said commissioners shall give order to said company to erect a suitable fence at said place, in such manner and within such time as in said order said commissioners shall prescribe. Said order shall be served in writing on said company, in the manner and form provided for the service of directions upon railroad companies, by section eleventh of the act of 1853, entitled "An Act to prevent Injuries and the Destruction of Life upon Railroads and by Railroad Trains."

Service of order.

SEC. 2. If any railroad company shall neglect or refuse to erect said fence in compliance with said order of said commissioners, said company shall forfeit and pay the sum of fifty dollars for each and every day's neglect or refusal so to do; one-half of which forfeiture shall go to him who shall prosecute therefor to effect, and the other half shall go to the treasurer of this State, for the use of this State.

Forfeiture for neglect or refusal to erect fence.

SEC. 3. In all cases where it is or shall be the duty of any owner or owners of land to fence along the line of any railroad in this State, if said owner or owners shall neglect to erect a suitable fence in said place, and if, in the opinion of said commissioners, such fence is needed in said place, it shall be the duty of said commissioners to notify said owner or owners in writing that unless such fence shall be erected within a time to be specified in the notice so given by said commissioners,

When it is the duty of land owner to fence, if he neglects, the commissioners may notify him.

the railroad company, whose line is adjoined by said land, will be required to erect such fence at the expense and charge of said land-owner or land-owners, as is now provided by law; and if said owner or owners shall not erect such fence within the time so limited in said notice, said commissioners shall then notify said railroad company of their action, and of said neglect of said land-owner or land-owners, and shall give order in writing to said company to erect such fence within such time as said order shall limit. Said order shall be served in the manner provided for the service of a similar order in section first of this act. If said company shall neglect or refuse to comply with the terms of said order, said company shall suffer the same forfeiture prescribed for a similar offence in section second of this act, and said forfeiture shall be recovered in the same manner as is in said second section provided. Whenever any railroad company shall have incurred any expense in the erection such fence, in compliance with the provisions of this section, such expense having first been ascertained and approved by said commissioners, shall constitute a lien in favor of said company upon the land or lands against which said fence is erected and adjoining and connected therewith, owned by the person or persons whose duty it was to erect said fence; and said lien shall take precedence of every other lien or incumbrance upon said land or lands; and said lien may be foreclosed by said company, like a mortgage. *Provided however*, that said lien shall cease to exist unless said company shall, within sixty days after the completion of said fence, lodge with the town clerk of the town in which said land or lands shall be situated, a certificate describing the premises on which said lien shall be claimed, and specifying the amount claimed as a lien thereon, and the date of the commencement of said lien. Said certificate shall be recorded by said town clerk in the land records of said town.

If he does not erect fence, within time limited, the company shall be ordered to fence, at his expense.

Order, how served.

Forfeiture for neglect.

Expenses of fencing, under order of commissioners to constitute a lien upon the land.

Provide, that the company lodge with town clerk, a certificate of the amount of such lien.

Approved, July 21st, 1865.

CHAPTER CXXXV.

An Act in addition to "An Act for the Assessment and Collection of Taxes."

Be it enacted by the Senate and House of Representatives in General Assembly convened :

SEC. 1. That the stock owned by any person in any banking association, organized by virtue of the acts of the Congress of the United States, shall be taxed and assessed in the same manner as the stock of banks incorporated by the laws of this State; and the cashiers of such associations shall make returns of the owners of such stock, to the assessors of the several towns, in the same manner as is by law provided for cashiers of state banks; and shall further state the proportion which the non-taxable property, held by their respective associations, bears to the capital and surplus of said association.

Stock of national banking associations to be taxed in same manner as stock of state banks.

Cashiers to make returns to assessors.

SEC. 2. If any person liable to pay taxes in this State, shall neglect or refuse to make out and deliver his list, under oath to the assessors of the town in which he is by law liable to be assessed, on or before the tenth day of November, annually, the Assessors of such towns shall make up a list for such person of all his estate, at the actual valuation thereof, from the best information they can obtain, and they shall add thereto the sum of ten per cent. of such valuation; and all taxes against such person may be collected from him upon the list so made by said assessors

When a person liable to taxation neglects to make and return his list, a list shall be made by the assessor.

Ten per cent. to be added.

Approved, July 21st, 1865.

STATE OF CONNECTICUT, ss. }
OFFICE OF SECRETARY OF STATE, August 12th, 1865. }

I hereby certify, that I have compared the printed copies, in this pamphlet contained, with the engrossed bills of Public Acts passed by the General Assembly of this State, at the May Session, 1865,—and find the same to be correct.

J. HAMMOND TRUMBULL,

Secretary of State.

PROPOSED ACT CONCERNING THE DOMESTIC RELATIONS.

[Continued to the next session of the General Assembly and ordered to be printed with the Public Acts.]

AN ACT CONCERNING THE DOMESTIC RELATIONS.

Be it enacted by the Senate and House of Representatives in General Assembly convened :

SEC. 1. The superior court shall have sole and exclusive jurisdiction of all petitions for divorce or separation, and may grant divorces to any man or woman, lawfully married, for the following offences committed by the other party, to wit: (1) adultery; (2) bestiality; (3) imprisonment for life; (4) fraudulent contract; (5) seven years' absence, not heard of; (6) willful desertion for three years, with total neglect of duty; (7) habitual intemperance of three years' continuance, without prospect of reform; (8) intolerable cruelty, or any other infamous crime punishable by imprisonment in the state prison.

SEC. 2. The party aggrieved may prefer a petition to the superior court, accompanied with a summons signed by some competent authority, notifying the defendant to appear before the court, which shall be duly served on the other party, and on due proof of the facts, said court may grant a divorce and declare the petitioner to be single and unmarried. But it shall not be lawful for the petitioner to marry again within two years from the date of his or her petition. And whenever a divorce shall be granted under the provisions of this act, the party found to be guilty of adultery, or bestiality, or who is under sentence of imprisonment for life, or who is guilty of fraud in the marriage contract, shall be forever incapable of marrying again; and whenever a divorce shall be granted for any of the other causes specified in the first section of this act, said court shall determine in its decree, whether the defendant may lawfully marry again, or not, and shall establish the defendant's disability, to be forever, or for a

limited time, not less than two years, as the circumstances of the case seem to demand ; or said court may, by decree, grant a separation from bed and board forever, or for a limited time, for any such misconduct as permanently destroys the happiness of the petitioner, and defeats the purposes of the marriage relation ; and also, for any of the causes specified in the first section of this act, except adultery, bestiality, imprisonment for life, or fraudulent contract. And said court may, at any time thereafter, annul and vacate any such decree of separation, upon the joint application of the parties thereto, on satisfactory proof of reconciliation, and that the parties will return to a faithful discharge of the duties of the marriage relation. *Provided*, no divorce or decree of separation shall be granted upon the petition of the guilty party, or where the act has been committed by the procurement or with the connivance of the petitioner.

SEC. 3. On all petitions for a divorce or separation, where the adverse party resides out of this state, or is absent therefrom, either judge of the supreme court of errors, or of the superior court, or any clerk of said court, may, in vacation, make such order relative to the notice to be given to the adverse party as he shall deem reasonable ; and in every petition for a divorce or separation, if it shall not appear, by the return of the officer or otherwise, that the respondent has had actual notice, the court shall continue the cause until the next term, and unless the respondent shall then appear, said cause shall be again continued ; and said court may at any time order such further notice to be given as said court shall deem reasonable ; and such cause may be heard and determined, at the third term of the court, to which it is returnable, upon satisfactory proof that the order of notice thereon has been duly complied with.

SEC. 4. If the petitioner shall have removed from any other state or nation to this state, and shall not have statedly resided in this state three years next before the date of the petition, the petitioner shall not take anything by the petition, unless the cause of divorce or separation shall have arisen subsequently to the removal into this state, or unless the adverse party shall have statedly resided in this state three years next before the date of the petition, and actual service of the petition shall have been made upon such party, in which cases, the petitioner may maintain the petition, although he or she shall not have removed into this state, nor resided therein, three years next before the date of the petition.

SEC. 5. The superior court in any decree of separation from bed and board, under this act, may make such order as between the parties, relative to the maintenance and support of the wife,

as said court may, deem necessary and proper, and may, at any time thereafter, annul, vary or modify the same.

SEC. 6. The superior court may assign to any woman divorced under the provisions of this act, such reasonable part of the estate of her late husband, not exceeding one-half thereof, as in its discretion, the circumstances of the estate will admit; and the decree of the court in relation to alimony, shall take effect upon its passage; and a petition for such alimony may be brought by any woman so divorced, at any time after such decree of divorce, while she shall remain single and unmarried, and no discharge, release or waiver of such alimony, or any part thereof, shall be deemed valid for any purpose whatever, unless the court shall be satisfied, upon due inquiry, that such discharge, release or waiver was obtained for a substantial consideration, and without deceit, misrepresentation or collusion, between the parties.

SEC. 7. The hearing upon every petition under this act shall be had publicly, and in open court. And the superior court may, for just and reasonable cause, on granting a divorce, change the name of the petitioner, who shall thereafter be known, and called by such name as said court shall in its decree appoint.

SEC. 8. In all petitions for divorce, in which there is no appearance for the respondent, it shall be the duty of the clerk of the court to notify the district attorney of the fact, who, when thus notified, shall appear and defend said case in behalf of the state, and for such service the district attorney shall receive a fee of five dollars, and, in case the divorce shall not be granted, an additional fee of five dollars, both to be taxed upon the party bringing the suit.

SEC. 9. In any petition by a married woman for a divorce, the superior court in the county where the same shall be pending, may, during the pendency at the final hearing, or afterwards, as occasion may require, make such order, as between the parties, for the custody, care and education of the children of the marriage, as such court may deem necessary and proper, and may at any time thereafter annul, vary or modify such order.

SEC. 10. In all cases in which a divorce or separation has been or shall be granted, on the application of a married woman, without an order being made at the time of granting such divorce or separation, relative to the charge and custody of the child or children of such marriage, and in all cases in which any husband and wife having minor children, shall, by reason of the abandonment or cruelty of the husband, live in a state of separation without being separated or divorced by lawful decree, the superior court in the county where the parties or one of them resides, may, on application of such mother, and due notice given to the

adverse party as in other cases, award the charge and the custody of the child or children of such marriage, to the mother, for such time, under such regulations, and with such provisions and restrictions, as in the opinion of the court the case may require.

SEC. 11. Upon the dissolution of any marriage by divorce, or upon the separation from bed and board by decree, if there shall be a minor child of said marriage, who shall stand in need of maintenance or support, the parents of such child shall provide for, support and maintain it, according to the abilities of such parents respectively.

SEC. 12. Upon the application of either of the parents of such child, contained in any petition for divorce or separation, or upon application to the superior court afterwards made, the court shall inquire by proper proof, into the amount of property or estate of both of such parents, and into the ability of such parents respectively, to provide for the maintenance and support of such child, and may make such order and decree against either or both of said parents, for the support and maintenance of such child as it shall consider just and equitable, and may direct any proper security to be given, for such support and maintenance, or may enforce such decree, as said court shall make, for such support and maintenance by any proper proceeding usual in courts of equity.

SEC. 13. Chapter II of An Act concerning the Domestic Relations, and all acts or parts of acts inconsistent with the provisions of this act, are hereby repealed.

SEC. 14. This act shall not affect any suit now pending.

PROPOSED AMENDMENT TO THE CONSTITUTION.

At a General Assembly of the State of Connecticut, holden at Hartford, in said State, on the first Wednesday of May, in the year of our Lord, one thousand eight hundred and sixty-five :—

Resolved by the House of Representatives, That the following be proposed as an Amendment to the Constitution of this State, which, when approved and adopted in the manner provided by the Constitution, shall to all intents and purposes become a part thereof, viz. :

“SEC. 1. The electors of this state shall assemble in their respective towns on the Tuesday after the first Monday of November, 1866, and annually thereafter on the Tuesday after the first Monday of November, for the purpose of depositing their ballots for governor, lieutenant-governor, secretary, treasurer, comptroller of public accounts, and senators and representatives in the General Assembly, and the persons then chosen shall hold their offices to which they are respectively elected for the term of one year, from the first Monday of January next following their election.

SEC. 2. The persons who shall be severally elected to the offices mentioned in the preceding section, on the first Monday of April, 1866, shall hold such offices only till the first Monday of January, 1867.

SEC. 3. The annual session of the General Assembly shall be holden on the first Monday of January, 1867, in the city of Hartford, and thereafter shall be held alternately in the cities of New Haven and Hartford.

SEC. 4. The judges of probate shall be appointed by the electors residing in the several probate districts and qualified to vote for representatives therein, in such manner as shall be prescribed by law, and shall hold their offices for such term as the General Assembly may provide ; but the General Assembly, after such judges shall have been so appointed, shall have no power to deprive such judges of the full official term for which they shall have been appointed.”

House of Representatives, July 10th, 1865.

Passed.

JOHN M. MORRIS, *Assistant Clerk.*

INDEX.

Abatement of Writs. See *Actions, Civil.*

Absentees from School. See *Truant Children.*

Actions, Civil; acts in addition to act for the regulation of—

actions to recover bounty due to a soldier or his family,	
when to be tried,	4
stay of execution to be excluded from computation, in determining the continuance of the lien created by attachment,	4
in a process of foreign attachment garnishee may be cited in, by the court at any time during the pendency of the suit,	5
any judge of the superior court may appoint an auditor or committee in chancery to fill a vacancy,	5
in actions for the recovery of debt where the property attached exceeds the amount of plaintiff's claim a judge of the superior court may release a portion thereof,	6
plaintiff to state his claim under oath,	6
failing to appear, the judge may order such attachment dissolved,	6
writs to abate, if served by an officer who has not given bond,	69
issue in fact, to be tried to the jury, when either party files affidavit on issue joined,	75
school district may appeal to superior court, from the action of the town on, or neglect of, petition to alter or dissolve school district,	129
appeal how to be taken,	129
service and citation,	129
hearing,	130
court may appoint a committee,	130
record of,	130
costs how allowed and taxed,	130

Acts, Public; passed after July 4th, to take effect from the rising of the general assembly, [July 21st.] - 71

Adulterated Liquors. See *Intoxicating Liquors.*

Advertisements; penalty for affixing, to the property of others, - 22

<i>Agricultural College Fund.</i>	See <i>Commissioner of the School Fund.</i>	
<i>Amendment to the Constitution proposed;</i>	- - -	145
act for the submission of, to the electors,	- - -	94
<i>Animals at large;—</i>		
penalty for rescue of, seized when in public highways,	- - -	62
rescuer to pay damages,	- - -	63
owner of, to be liable, when rescued by his children or servants,	- - -	63
provisions of act of 1868, extended to goats,	- - -	133
<i>Armories.</i>	See <i>Militia.</i>	
<i>Assessors;</i> assessments, lists of, not to be adjudged void, because of certain defects or omissions,	- - -	125
<i>Attachments, Foreign.</i>	See <i>Actions, Civil.</i>	
<i>Attachments.</i>	See <i>Actions, Civil; Domestic Relations; Release of Attachments.</i>	
<i>Auditors,</i> may be appointed a judge, to fill vacancies,	- - -	5
not to be appointed by justice of the peace in action returnable before him,	- - -	76
<i>Bands, Regimental.</i>	See <i>Militia.</i>	
<i>Banks;</i> act supplementary to act of 1863, in addition to and in alteration of an act concerning—		
stockholders in banks converted to national associations, not dissenting in writing to such conversion, to become stockholders of the national associations,	- - -	90
notice to stockholders, how to be given,	- - -	90
no right already vested to be affected by this act,	- - -	90
value of stock of dissenting stockholder, how to be ascertained,	- - -	91
provision for appeal and re appraisal,	- - -	91
stock of, belonging to estates, minors, idiots or incapable persons,	- - -	91
national associations to pay to the state, and societies, their proportion of the surplus, on stock by them held,	- - -	91
claim for surplus, how determined,	- - -	91
act concerning—		
issue of notes of, under a state charter, by national banking associations restricted,	- - -	102
required to own and keep gold and silver coin, to amount of ten per cent of state bills in circulation,	- - -	102
penalty for violation,	- - -	102
stock of national banking associations to be taxed in same manner as stock of state banks,	- - -	139
cashiers of, shall make return of stock, to the assessors of the several towns,	- - -	139
<i>Bank Commissioners;</i> the number of, to be reduced to one,	- - -	77
may be re-appointed, after expiration of term of office,	- - -	78
<i>Ballast;</i> penalty for depositing, near public wharves and piers,	- - -	70

<i>Bills of Exchange.</i> See <i>Promissory Notes.</i>	
<i>Board of Education</i> ; act constituting - - -	114
See <i>Education, Board of. State Normal School.</i>	
<i>Boards of Relief</i> ; assessment lists not to be adjudged void, because of certain defects or omissions by, - - -	125
<i>Bounties to Volunteers</i> ;—	
confirming the actions of towns in the issue of obligations for payment of, - - -	25
provisions of bounty laws extended to families of volunteers enlisted in the regular army and veteran reserve corps, and credited to quota of this state, - - -	101
act relating to—	
towns authorized to make appropriations to volunteers, or persons procuring substitutes, who have not heretofore received aid, - - -	136
<i>Breach of the peace</i> , by use of scurrilous or abusive language, &c.; penalty for - - -	80
<i>Bride's Brook</i> ; regulating the taking of fish in - - -	16
<i>Bridges</i> ; penalty for fast riding or driving on, when notice of prohibition is posted, - - -	60
form of notice, - - -	60
prosecutions how brought, - - -	61
<i>Bridgeport</i> ; act relating to electors and elections in the town and city of—	
divided into voting districts, - - -	41
location of districts, - - -	41, 42
town and city meetings, for elections, how to be warned, -	42
selectmen to provide places for voting, - - -	42
electors to vote in their respective districts, - - -	42
time of holding annual town and city elections, - - -	43
what town officers are to be chosen by ballot on one piece of paper, - - -	43
city officers, how voted for, - - -	43
selectmen to provide ballot boxes, - - -	43
ballot boxes, how designated, - - -	43
when there is an equality of votes, the meeting to be adjourned to the following Monday, - - -	44
town officers not voted for by ballot, when to be elected, -	44
presiding officer, how appointed, - - -	44
ballots, how counted and declared, - - -	44
return of votes, how made, - - -	45
registrars how chosen, - - -	45
registrars to prepare lists of voters,—and print the same, -	45
corrected lists to be published, - - -	45, 46
registry of voters on certificates from other towns, how to be made, - - -	46
appeal from registrars to board of selectmen and town clerk, how to be taken, - - -	46, 47
no person may vote whose name is not registered, - - -	47

Bridgeport ;—

deputy registrars to be appointed, - - - -	47
vacancies in office of, how filled, - - - -	47
registrars and deputies to be sworn,—may administer oaths, -	47, 48
registrars to attend at the ballot boxes,—and to keep a list of voters, - - - -	48
check-list to be certified, by the registrars, - - - -	48
penalty for voting on the name of another person, -	48
penalty for altering registry list,—for receiving illegal votes, or for refusing the vote of a registered voter, -	48, 49
compensation of registrars and deputies, - - - -	49
times of meeting of board for deciding on applications, and hearing appeals, - - - -	49
admission on papers of naturalization regulated, - - - -	50
town clerk to keep record of certificates given, - - - -	50
penalty for refusal or neglect of duty, by officers; and for violations of this act, - - - -	50
registrars to distinguish in lists between voters within and without the city limits, - - - -	50
penalty for giving, or receiving, illegal votes in city elections, -	50
duty of grand jurors to prosecute, - - - -	51
annual town and city elections to be held in October, 1865, -	51
selectmen to appoint registrars, - - - -	51

Buildings ; act regulating the erection of, to be used for public lectures and amusements—

court of common council, or selectmen, to superintend the construction of, for public halls and places of amuse- ment, &c., - - - -	89
may close the same when found unsafe, until prescribed alterations are made, - - - -	8
penalty for using or letting a hall after the same is ordered closed, - - - -	89
cities and towns may make necessary ordinances and regu- lations under this act, - - - -	89
appeal by parties aggrieved, how taken,—costs, how paid, -	89, 90

Burial of deceased persons, not to be within four feet from the surface of the ground, - - - -

penalty for violation, - - - -	80
--------------------------------	----

*Cemeteries. See Burial of deceased persons.**Checks, Bank ; days of grace not to be allowed upon - - - -**Cities. See Buildings, Hartford, New Haven.**Cities and Boroughs ; act relating to—*

defendant to have right of appeal to superior court, in pro- secutions for violation of the charter or by-laws of—	78
---	----

*City Court of New Haven ; act conferring criminal jurisdiction upon, &c., - - - -**Clerks, in state offices ; fixing the compensation of— - - -*

<i>Clerks of Court</i> , to return to state librarian at the close of each term of court, the number of divorces granted, -	62
<i>fees of</i> , for certifying to official character of magistrates, -	88
<i>Commissioners on insolvent estates</i> , required to give notice of meetings to the creditors, -	67
<i>Commissioner of the School Fund</i> , authorized to invest Agric. College Fund, and proceeds of bank stocks, in bonds of this state, -	106
such bonds not to be transferable, -	106
<i>Common Fields</i> : proprietors of, may, by committee, let out the making and repairing of fences, -	77
may lay a tax, -	77
<i>Committees in chancery</i> , may be appointed by a judge, to fill vacancies, -	5
<i>Communities and Corporations</i> : additions to act concerning—	
estate, given or granted to burial associations, to remain to the use specified by the grantor, -	3
notices of town and electors' meetings may be written or printed, -	4
selectmen may appoint special constables, on occasions of public celebrations, &c., -	28
appointment to be for a specified time, not exceeding five days, -	29
powers of constables so appointed, -	29
alteration of act concerning—	128
addition to an act, concerning—	133
See <i>Bank Commissioners, Corporations, Joint Stock Corporations, Watch</i> .	
<i>Commutation of fares</i> . See <i>Railroads</i> .	
<i>Comptroller</i> , directed to procure the state printing to be done, -	52
to include a statement of the same in his annual report, -	52
<i>Compromises by Partners or Joint Debtors</i> . See <i>Partners and Joint Debtors</i> .	
<i>Connecticut River</i> ; act for the improvement of the navigation of—	
masters of vessels bringing cargoes from beyond the mouth of the river, tow steamers, and propellers, to report to the port warden of Hartford, -	134
to pay toll, -	134
master or persons in charge to be liable for toll, -	134
forfeiture for neglect to pay toll, -	134
port warden to keep record of vessels, &c., and of amount of tolls collected, -	135
to account with city treasurer monthly, -	135
tolls to be expended for improving the channel, between Hartford and Middletown, under direction of a committee of the common council, -	135
committee to account with the treasurer for moneys expended, -	135
to make annual report to the general assembly, -	135

<i>Connecticut River ;—</i>	
compensation of port warden, - - - - -	135
to give bond, - - - - -	135
act for, subject to approval by court of common council, -	135
<i>Constables, fees of, for attending court, - - - - -</i>	52
for travel to serve process, - - - - -	52
<i>Constables, Special. See Communities and Corporations.</i>	
<i>Contingent Expenses. See General Assembly.</i>	
<i>Conveyances. See Deeds.</i>	
<i>Coparceners. See Partition.</i>	
<i>Corporations ; act taxing certain—</i>	
cashiers, secretaries, treasurers or clerks of chartered and joint stock corporations, to make annual returns to the comptroller, - - - - -	40
such corporations to pay annual tax of one per cent. on value of stock, - - - - -	40
stock not hereby exempted from local taxation, - - - - -	41
certain corporations not to be taxed under this act, - - - - -	41
exemption by payment of tax under law of 1864, - - - - -	41
<i>County Commissioners, to make returns concerning jails, to secretary of state, - - - - -</i>	72, 73
penalty for neglect or refusal to make returns, - - - - -	73
duty of state attorney, to prosecute, - - - - -	73
<i>Courts ; act relating to—</i>	
providing for a place for holding, in Norwich, - - - - -	29
addition to act relating to—	
sheriff or deputy may not be county commissioner, - - - - -	34
<i>See New London County ; Norwich ; Probate Court.</i>	
<i>Crimes and Punishments ; additions to act concerning—</i>	
penalty for selling personal property, under promise of gifts to be assigned by lot, or of unknown value, - - - - -	22
penalty for painting or affixing advertisements on the property of others, - - - - -	22
penalty for injuring or destroying trees on the land of another, or in highways, - - - - -	38
penalty for destroying fences, - - - - -	38
penalty for destroying or carrying away crops, fruits, or vegetables, - - - - -	38
one-half of the penalty to be paid to the complainant, - - - - -	39
penalty for destroying or injuring derricks or guys, - - - - -	39
penalty for neglect of town clerk to pay over moneys received for dog tax, to the town treasurer, - - - - -	54, 82
penalty for fast riding or driving on bridges, - - - - -	60
prosecutions, how brought, - - - - -	61
penalty for neglect or refusal to kill, or to register dogs, after notice, - - - - -	64
penalty for neglect of constables to bring prosecution against owners of dogs, - - - - -	64

Crimes and Punishments ;—

penalty for manufacturing, selling or keeping for sale intoxicating liquors, adulterated with deleterious ingredients, &c., -	65
penalty for taking fish from lakes or natural ponds, by seine or net, -	66
penalty for undertaking, without authority, to join persons in marriage, -	69
penalty for depositing ballast, rubbish, &c., near public wharves and piers, -	70
penalty for burying corpse within four feet of the surface of the ground, -	80
penalty for using scurrilous or abusive language, -	80, 81
penalty for threatening to commit crimes, -	81
penalty for publishing abusive matter, &c., -	81
penalty for climbing or standing on railroad engines or cars, -	126, 127

See *Animals at Large*.

<i>Crops</i> ; penalty for destroying or carrying away crops, fruits or vegetables, -	38
---	----

Deeds and Conveyances ;—

certified copies of, in certain cases, may be recorded, -	14
record of a defective conveyance shall be notice of the equitable interest passed thereby, -	16
instruments creating or conferring any equitable interest in lands, may be recorded, -	16
record of, held to be notice of such interest, -	16
conveyances of real estate of married women by separate deeds of herself and husband validated, -	26
not invalidated by neglect of justices to return certificates of qualification, -	78

<i>Derricks or Guys</i> , penalty for destroying or injuring -	39
--	----

Discharge from State Prison. See *State Prison*.

<i>Divorces</i> ; clerks of court, to make return of, to state librarian, -	62
---	----

Dogs. See *Sheep Culture*.

Domestic Relations ; additions to act concerning—

who may join persons in marriage, -	12
validating certain marriages, -	12
penalty for undertaking, without authority, to join persons in marriage, -	68
marriages otherwise lawful, not invalidated by want of authority in the person professing to solemnize them, -	69, 75
husband's interest in real estate of wife not subject to attachment or execution against him, during the life of wife, or her child, -	21
parent, or master, not appointed guardian, may not receive or use property of minor, servant or apprentice, -	27
clerks of superior court to make return of divorces, to state librarian, -	62

Domestic Relations ;—

married woman may be sued as feme sole, for liabilities	
incurred before marriage, - - - - -	83
liable for damages and costs, - - - - -	83
husband must be cited to defend, - - - - -	83
proposed act concerning, - - - - -	141

Drains and Drain Companies ; addition to act concerning—

scavengers may correct assessment list of the proprietors,	53
proprietors of, may order new assessments to be made,	53

East Granby ; probate district of, constituted, - - - 17*Ecclenastical Societies.* See *Methodist Episcopal Churches.**Education ;* addition to acts concerning—

authorizing towns to consolidate school districts in one, -	107
appraisal of property, &c., - - - - -	107
when consolidated, the town may appoint a committee, -	107
repeal of provisions making the principal of the normal	
school <i>ex officio</i> superintendent of common schools, -	124
board of education may limit number of scholars in pri-	
mary school,—or discontinue it, - - - - -	124
may make regulations for examination of candidates for	
admission, - - - - -	124

See *Truant Children.*

<i>Education, Board of,</i> how constituted, - - - - -	114
tenure of office of, - - - - -	114
vacancies in, how filled, - - - - -	114
powers and duties of, - - - - -	114
to have general supervision and control of education, -	114
to make annual report to general assembly, - - - - -	114
may appoint a secretary, - - - - -	115
his duties ; and compensation, - - - - -	115
expenses of members of, to be paid from the state treasury,	115

Electors and Elections. See *Bridgeport ; Communities and Corporations.**Estates ;* additions to act for the settlement of—

unexpended avails of sale of real estate of minors, how	
distributed after decease of minor, - - - - -	15
notice of the meetings of commissioners on insolvent estates	
to be given to the creditors, - - - - -	67
bond to be taken from executor, when testator otherwise	
directs, - - - - -	70, 71
distribution of life estate in personal property between joint	
legatees, may be made by order of court of probate, -	74
when no trustee is named in a will, personal property may	
be delivered to legatee for life, on giving bonds, -	74
deeds not invalidated by neglect of justice to return cer-	
tificate of qualification, - - - - -	78

Equity, Proceedings in ; additions to act for the regulating of—

partition of real estate between joint tenants, tenants in	
common, or coparceners, by the superior court, -	69

Equity, Proceedings in ;—

decree of court, to be binding on all parties to the proceeding, or on the heirs of their bodies, - - - 70

temporary injunction granted by a judge in vacation, to be dissolved when the advice of the supreme court of errors to the court below is filed in the clerk's office, - 87

Executors, what bond to be taken from, when testator directs that no bond, or of a certain amount only, shall be required, 70, 71

Express Companies ; to make return to comptroller, and pay annual tax of two per cent. on receipts, - - 106

See *Taxes*.

Fees. See *Salaries and Fees ; Town Clerks*.

Fences ; penalty for destroying. See *Common Fields ; Railroads*, 88

Fence Viewers ; duty of, when fence is found insufficient, - 77

Ferrets ; the use of, to destroy rabbits, on the land of another, prohibited, - - - - 15

penalty for violation, - - - - 15

Firemen ; act relating to—

members of fire companies not provided with engines, not exempted from poll tax or military duty, - - 59

Fish ; act for the preservation of—

use of nets or seines in lakes or ponds, prohibited, - 66

penalty for violation, - - - - 66

repeal of former acts, - - - - 66

Fisheries ; regulating the use of weirs and other obstructions in Brides' Pond Brook, East Lyme, - - - 16

penalty of obstructing by stakes or otherwise, the drawing of seines, - - - - 132

Flowage of Land ; the erection of dams, to the injury of existing mills, or mill sites, prohibited, - - - 131

Foreign Attachment. See *Actions, Civil*.

Foreign Insurance Companies ; addition to act concerning—

commissioner of insurance to be appointed by the governor, 84

his duties and compensation, - - - 84

to report violations of law concerning, to state's attorney, &c., - - - - 84

to prepare blanks and forms, - - - 84

duty of state's attorney to prosecute, - - - 84

Fruit ; penalty for destroying or carrying away - - 88

Game ; addition to an act concerning—

the use of ferrets to destroy rabbits, on the land of another, prohibited, - - - - 15

penalty for such use of, - - - - 15

General Assembly ; act relating to the contingent expenses of—

no grant for contingent expenses of, to be registered until a bill of particulars has been sworn to, - - 21

notice of petitions brought to, for discharge from State Prison, to be given to state's attorney, - - 39, 40

duty of state's attorney to appear and defend, - - 40

his compensation, - - - - 40

General Assembly;—

additions to act relating to—	
public acts passed after July 4th, to take effect from the rising of the general assembly, [July 21st,]	71
when law requires advertised notice of petition, resolution of incorporation not to be passed except upon petition,	122
fixing the compensation of members and clerks of,	130
allowance for travel,	130
payment not to exceed forty-five days of actual session, members of, required to report absence, to be deducted by the treasurer, -	130, 131
pay of messengers and doorkeepers, -	131
no allowance for mileage or other compensation,	131

General Statutes; act to carry into effect the—

revised acts to be in force from January 1st, 1866,	85
certain acts repealed, -	85
repeal not to impair vested rights, nor to revive acts heretofore repealed, -	85
not to affect offences committed, or penalties incurred before January 1st, 1866, except as to penalties or forfeitures mitigated, -	85
rule of construction, -	85
words in the singular and plural number, how to be applied,	85, 86
authority given to three or more, construed to be given to a majority of them, -	86
the words "month," "year," "oath," "sworn," and "person," how to be applied, -	86
the words "preceding" and "following," how used, -	86
what to constitute the record of the revised laws, -	86

Gifts; selling goods under the promise of, prohibited under penalty, 22

Goats. See Animals at Large.

Governor; to appoint a commissioner of insurance, - 84

Griswold; confirming the doings of the eighth school district of, 29

Guide-posts; to be erected and maintained by towns, - 123

selectmen to make annual report to the town, of places where guide-posts are or ought to be erected, -

penalty for neglect, -

location of, to be determined by the town, and recorded, -

penalty for refusal by town, to locate and record, -

what description of guide-posts to be erected, -

penalty for neglect to erect and maintain, -

Hartford; act providing for the collection of taxes in the town and city of—

when collectable, -

one per cent. to be added to taxes not paid before August 1st, &c., -

notice to be given by collector, -

Hartford ;—

to be published, - - - - -	31
further notice of taxes remaining unpaid, &c., - - -	32
when tax is not laid until after May 1st, - - -	32
duty of rate makers, - - - - -	32
collectors of, to hold office for two years, - - -	32
provision in case of vacancy in office of - - -	32
first selectman to provide office for collection of taxes, -	33
compensation of collectors, - - - - -	33
proceedings on complaint against collector for incapacity, malfeasance, &c., - - - - -	33
each collector to give bond, - - - - -	33
money collected, to be paid over to town or city treasurer monthly, - - - - -	33

Hartford ; city of, authorized to build a State House, - - - 54

Horse Railroads ; act relating to—

petitions for incorporation of,—notice of, to be given, -	98
route of, to be designated, - - - - -	98
directors of, to make annual report to the general assembly, - - - - -	98
common council or selectmen may regulate the laying of rails, - - - - -	98
right of appeal, - - - - -	98
See <i>Taxes</i> .	

Highways ; addition to act to prevent animals running at large upon - - - - - 62

Husband, not responsible for liabilities of wife incurred before marriage, - - - - - 83

*Immigrants. See Laborers.**Importation of Laborers ; act to encourage the—*

contracts made by emigrants pledging their wages, in certain cases, shall be valid, - - - - -	5
contracts made by minors, and married women, shall be binding, when, - - - - -	8
advances made for expenses shall constitute a lien on the wages of immigrants failing to fulfil their contract, -	9
employers shall not be affected by such lien without notice, -	9
how lien upon wages or advances may be recovered, -	10
employers in other states may enforce contracts in this state, when, - - - - -	10

*Injunctions. See Equity.**Insane or Demented Persons ; act concerning— - - -* 11

criminals acquitted on the ground of insanity or dementia may be confined in jail, at the discretion of the court, -	11
court to appoint overseer, when insane person has estate, -	11
powers and duties of overseers, - - - - -	11
having no estate, to be supported by the town, - - -	12

<i>Insane or Demented Persons ;—</i>	
petition for enlargement of, may be brought to the superior court,—how served, - - - - -	12
<i>Insolvent Estates. See Estates.</i>	
<i>Insurance Companies, Mutual ; to make annual returns to the</i>	
comptroller, of cash capital, - - - - -	118
to pay annual tax of one per cent. on capital, - - - - -	119
to be in lieu of all other taxes, - - - - -	119
<i>Insurance Commissioner, to be appointed by the governor, -</i>	
his duties, - - - - -	84
compensation how paid, - - - - -	84
to report violations of law, to state's attorney, &c., - - - - -	84
to prepare blank forms of returns, &c., - - - - -	84
<i>Intoxicating Liquors ; prosecution for keeping open shops, &c., for</i>	
the sale of, on the Sabbath, may be heard by a justice of the peace, - - - - -	60
adulterated with deleterious ingredients, &c., penalty for manufacturing, selling, or keeping for sale, - - - - -	65
<i>Jails ; returns concerning, to be made by county commissioners, 71, 72</i>	
<i>Joint Stock Corporations ;</i>	
directors of, to choose president, secretary and treasurer, - - - - -	128
secretary and treasurer of, to reside and keep the books within this state, - - - - -	128
books to be open to the inspection of the stockholders, 128, 129	
statement of accounts to be made annually to the stockholders, - - - - -	129
<i>See Corporations.</i>	
<i>Joint Tenants. See Partition.</i>	
<i>Judges of Supreme Court of Errors, and Superior Court ; increasing the salary of - - - - -</i>	
	106
<i>Justices of the Peace may hear prosecutions for keeping open</i>	
shops, &c., for the sale of intoxicating liquors, on the Sabbath, - - - - -	60
may not appoint auditors in actions returnable before them, - - - - -	76
if so appointed, judgment to be void, - - - - -	76
<i>Laborers. See Importation of Laborers.</i>	
<i>Lands ; where a deed or conveyance of land situated in two or</i>	
more towns. has been lost, a certified copy of the same may be recorded, - - - - -	14
conveyances of, not invalidated by neglect of justice to certify his qualification, - - - - -	78
applications for sale of, made by guardians of minors, to the court of the district where minor belongs, validated, - - - - -	79
money secured by mortgage on, to be taxed only where land is situated, provided the debtor resides in the town or district, - - - - -	86, 8
<i>Libelous or Abusive Matter ; penalty for writing or publishing, -</i>	8
<i>Librarian, State ; to publish returns of divorces granted, -</i>	6

INDEX.	159
<i>Marriage</i> ; who may join persons in	12
solemnized according to the forms of a religious denomination, validated,	12
penalty for undertaking, without authority, to join persons in marriage,	68
marriages otherwise lawful, not invalidated by want of authority in the person professing to solemnize them,	69, 70
<i>Married Women</i> ; married women may be sued as <i>feme sole</i> , for liabilities incurred before marriage,	83
liable for damages and costs,	83
husband must be cited to defend,	83
not responsible for liabilities of wife incurred before marriage,	83
See <i>Domestic Relations</i> .	
<i>Meriden</i> ; act authorizing the town of, to issue bonds,	28
<i>Methodist Episcopal Churches</i> ;—	
trustees of, how, and when elected,	7
vacancies in board, how filled,	7
inspectors of elections, how appointed,	7
number of, how determined,	8
term of office of ;—may be re-elected,	8
shall choose officers, from their number,	8
to be invested with corporate powers,	8
former elections of trustees, confirmed,	8
<i>Militia</i> ; alteration of an act relating to—	
active militia to be designated The Connecticut National Guard,	34
to be furnished with uniforms by the quartermaster-general,	34
requisitions for uniforms, to be accompanied by certificate, and to remain the property of the state,	35
uniforms not to be worn except in discharge of military duty,	35
what shall be the uniform,	35
style and quality, how determined,	35
cost not to exceed eighteen dollars,	35
comptroller to draw orders for payment,	35
commanders of companies to make and return muster rolls,	36
inefficient companies may be disbanded,	36
board for examining commissioned officers,	36
commission of officer not present for examination, or found incompetent, shall be revoked,	36
officers having once passed not to be re-examined previous to promotion,	36
compensation of examiners,	36
examination of corporals and sergeants,	36
enlistment papers,	37
enlistment to be for five years,	37

Militia ;—

exemption from military commutation and duty, and from	
poll taxes,	37
cavalry and artillery to be attached to regiments of infantry,	37
repeal of provision for officers drill,	37
encampment by division may be ordered once in two years,	37
horses for artillery to be provided by quartermaster-general,	37
finest and forfeitures, how recoverable,	37
cost of prosecution, to be taxed by the superior court,	37
suits not to be brought without approval of commander of regiment,	38

addition to act relating to—

the armories and drill-rooms, when and how to be provided for by companies,	100
expenses for repairing and cleaning arms, and for storage of field pieces,	100
storage of, subject to approval of quarter-master-general,	100
allowance to regimental bands, for music and for a room for practice,	100

Minors ; applications for sale of real estate, made by guardians of, to the court of district, where minor belongs, validated,	79
penalty for, climbing or standing on railroads, engines or cars,	127, 128

See *Estates, Domestic Relations, Truant Children.*

Monuments to Soldiers and Seamen ; act to authorize towns to make appropriation of money, to erect monuments to the memory of soldiers and seamen, who have died in the late war against the government of the United States,	23
--	----

Mortgages ; See *Lands.*

National Banking Associations. See *Banks.*

Nets, for fish ; use of, in lakes or ponds, prohibited,	66
New Haven ; city of, authorized to build a State House,	56
authorizing the town of, to issue bonds,	10
bonds not to be issued except by vote of the town,	11
not to be disposed of at less than the par value,	11
amount of, limited,	11

New London County ; act directing the sessions of the supreme court of errors, and of the superior court, for the county of, to be held at Norwich,	18
--	----

Night Patrol. See *Watch.*

Normal School. See *State Normal School.*

Norwich ; providing for a place for holding courts in	29
Notary Public ; tenure of office of	26
fees of, for administering oath to pensioners, and taking acknowledgments,	88

Oysters ; addition to act regulating the planting of—	
penalties for the taking of oysters by non-residents, extended to oyster grounds designated by town committees,	61

Oysters ;—

penalty for the illegal staking or inclosure of grounds in navigable waters, - - - - -	61
--	----

<i>Partition</i> , of real estate, between joint tenants, tenants in common, or coparceners, by the superior court, - - - - -	69
decree of court, to be binding on all parties to the proceeding, and on the heirs of their bodies, - - - - -	70

Partners and Joint Debtors ; an act relating to compromises or compositions by—

after dissolution of partnership, any member of the firm may make a separate compromise with the creditors, -	13
to be a full and effectual discharge of his liabilities, -	13
discharges to be in writing ; may be given in evidence, -	13
shall not discharge the other co-partners, nor impair the rights of the creditors against them, -	13
other members of the firm may avail themselves of any defence at law or equity, - - - - -	13
legal obligations of the co-partners to each other, not affected, - - - - -	14
provisions of this act extended to joint debtors, &c., -	14

<i>Petitions ;</i> for incorporation of horse railroad companies, notice of to be given, - - - - -	98
--	----

See Equity ; General Assembly.

Piers. See Wharves.

<i>Prisons ;</i> act concerning, - - - - -	71
--	----

See Jails ; State Prison.

Probate; Court of ;—

on application of the surety upon a probate bond, the court may require the principal to disclose the condition of the estate, - - - - -	67, 68
on hearing, the court may remove the principal and appoint another, - - - - -	68

Probate Districts ; act relating to—

constituting the probate district of East Granby, -	17
---	----

Promissory Notes ;—

when legal holiday falls on Sunday, notes, &c., coming due on Monday, to be paid on the business day preceding, -	81
no days of grace to be allowed, on checks, or on bills or notes payable at sight or on demand, unless named in the instrument, - - - - -	81
negotiable demand notes unpaid after four months, to be considered overdue, - - - - -	99
not to apply to notes executed before October 1, 1865, -	99

<i>Proprietors of Drain Companies</i> , may order new assessment lists to be made, - - - - -	53
--	----

Proposed Amendment to the Constitution. See Amendment, &c.

Public Acts. See Acts, Public.

Public Buildings. See Buildings.

<i>Railroads</i> ; alteration of act to prevent injuries and destruction of life upon—	
limitation of prosecution, for violations of act to prevent injuries on - - - - -	59
repeal of twenty-first section of act of 1863, - - - - -	59
act relating to commutation of fares on—	
companies may not abolish established systems of commutation of fares, - - - - -	92
rate of commutation not to be disproportionably raised, - - - - -	92
commissioners of, shall enforce compliance, - - - - -	92
act relating to—	
trains obliged to stop before crossing a draw-bridge, may be stopped at a passenger station near such bridge,—	
when commissioners so order, - - - - -	93
commissioners of, to make orders as to time of keeping open ticket offices, - - - - -	93
companies not complying with such order, may not demand additional fare, - - - - -	93
commissioners of, may make orders respecting the management of trains at highway crossings, - - - - -	93
may compel companies to furnish seats to all passengers, - - - - -	94
orders of commissioners, how made and served,—disregard of, how punished, - - - - -	94
act concerning—	
office of general railroad commissioner when employed by a railroad corporation declared vacant, - - - - -	99
act relating to location of stations on—	
provisions for the location of railroad stations, so as to secure the accommodation of the public, - - - - -	103
parties interested may bring their petition to judge of superior court, - - - - -	103
judge may summon the company to answer petition, - - - - -	103
judge to appoint engineer,—his duties,—to be sworn, - - - - -	103
hearing by railroad commissioners and engineer, - - - - -	103
who may designate the location of stations, - - - - -	103
report of engineer, when not concurring with commissioners, - - - - -	104
judge may make order in the premises, to be binding on the companies, - - - - -	104
petitioners may be required to give security for fees, &c., - - - - -	104
engineer's bill of fees, how taxed, - - - - -	104
to be paid by petitioners, - - - - -	105
railroad commissioners, to enforce compliance, - - - - -	105
penalty for minors climbing or standing on railroad, engines or cars, - - - - -	126, 127
station agents, &c., to make complaint to grand jurors - - - - -	127
parents required to use due care to prevent children from loitering near the track or station, - - - - -	127
penalty for violation, - - - - -	127
printed copies of this act to be posted at all stations, - - - - -	127
act in relation to fences along the lines of—	
commissioners of, may order companies to erect fences, - - - - -	137

Railroads ;

service of order, - - - - -	137
forfeiture for neglect or refusal to erect fences, - - -	137
when it is the duty of land owner to fence, if he neglects, the commissioners may notify him, - - -	137
if he does not fence, within time limited, the company shall be ordered to fence, at his expense, - - -	138
order how served, - - - - -	138
forfeiture for neglect to comply with order, - - -	138
expenses of fencing, under order of commissioners, to con- stitute a lien upon the land, - - - - -	138
lien to cease, when, - - - - -	138

See Horse Railroads.

<i>Railroad Companies ;</i> to make annual returns to the comptroller,	116
to pay annual tax of one per cent. of market value of stock, 116,	117
to be in lieu of all other taxes, - - - - -	117
when railroad lies partly without the state, the tax to be reduced proportionably, - - - - -	117
parties in possession of, or operating railroads, as trustees, &c., to be liable for the tax, - - - - -	117

<i>Railroad Commissioners, General ;</i> office of, declared vacant when commissioner shall be in the employ of any railroad corporation, - - - - -	99
---	----

See Railroads ; Railroad Crossings.

<i>Railroad Crossings ;</i> act for the protection of life at—	
on application of selectmen, commissioners may order gates to be erected, or flagmen stationed, at highway crossings, - - - - -	121
may change such order,—after notice to selectmen, - - -	121
duty of companies to obey such order, - - - - -	121
warning boards to be maintained by companies where there is no gate, - - - - -	122
obedience to be enforced by the commissioners, - - -	122

Railroad Stations. See Railroads.

<i>Real Estate ;</i> act concerning the record of deeds of—	
record of a defective conveyance shall be notice of the equitable interest passed thereby, - - - - -	16
instruments creating or conferring an equitable interest in lands may be recorded, - - - - -	16
record of, held to be notice of such interest, - - -	16
act relating to the execution of deeds of—	
conveyances of real estate of married women by separate deeds of herself and husband, validated, - - -	26

Records. See Attachment. Deeds.

<i>Recruiting, in certain States ;</i> repeal of act of 1864, authorizing <i>Reform School. See State Reform School.</i>	63
---	----

<i>Release of Attachments ;</i> act providing for—	
release of estate attached, after satisfaction of claim, how certified, and recorded, - - - - -	108

<i>Release of Attachments ;—</i>	
fees of town clerks for recording release, - - -	108
forfeiture for neglect to lodge certificate, - - -	108
<i>Rescue of Animals. See Animals at Large.</i>	
<i>Revised Statutes. See General Statutes. Secretary of State.</i>	
<i>Sabbath ; addition to act for the due observance of the—</i>	
prosecutions, under act of 1860, for keeping open buildings where intoxicating liquors are reported to be sold, or gaming is carried on, may be heard by a justice of the peace, - - - - -	60
<i>Salaries and Fees ; additions to act relating to—</i>	
fee of judge or clerk for making application for pay, bounty or pension of volunteers, - - - - -	27
fees of sheriffs and constables, - - - - -	52
repeal of act of 1863, prescribing fees of clerks of court for certificates, and of notaries public for administering oaths, &c., - - - - -	65
fees of clerks of court, for certifying to the official charac- ter of magistrates, - - - - -	88
fees of notaries, for administering oath to pensioners, and taking acknowledgements, - - - - -	88
fees for making the certificate, on the record of any instru- ment, where revenue stamps are affixed and canceled, fixing compensation of clerks of state officers, and school fund commissioner, - - - - -	105
increasing the salary of judges of supreme and superior courts, - - - - -	106
fixing the compensation of members of the Senate and House of Representatives, and clerks, - - -	130
allowance for travel, - - - - -	130
not to be paid for more than forty-five days of actual session, - - - - -	130
members required to report absence, to be deducted by the treasurer, - - - - -	130, 131
pay of messengers and door-keepers, - - -	131
no allowance for mileage or other compensation, -	131
fixing the salary of the state treasurer, - - -	128
<i>Savings and Building Associations ; act in addition to and in al- teration of an act establishing—</i>	
deposits in, to be paid to depositors on or before July 1st, 1866, - - - - -	30
when depositors are not known, deposits to be transferred to the state treasurer, - - - - -	30
treasurer to advertise the names of depositors and amount of deposits unclaimed, - - - - -	30
officers of, subject to a penalty for violation of this act,	30
duty of state's attorney to prosecute, - - -	31
<i>Scavengers, may correct assessments lists of the proprietors of drain companies, - - - - -</i>	53

<i>Secretary of State</i> , to transmit blank returns concerning jails, to county commissioners, - - - - -	71
to inform state attorney, when county commissioners are liable to a penalty, - - - - -	73
directed to annex certificate, under seal of the state, to a copy of the General Statutes, to be forever kept as record, in his office, - - - - -	86
<i>Seines</i> ; use of, for taking fish, in lakes or ponds, prohibited,	66
<i>Selectmen</i> , may appoint special constables on occasion of public celebrations, - - - - -	28
appointment to be for a specified time, not exceeding five days, - - - - -	28, 29
to post notices to owners and keepers of dogs not registered,	63
forfeiture for neglect, - - - - -	64
shall have power to superintend the construction of buildings for public halls, places of amusement, &c., -	89
<i>See Guide Posts.</i>	
<i>School Districts</i> ; act confirming the doings of, in certain cases—doings of, not invalidated by defect of notice or by certain other defects or omissions, - - - - -	66, 67
authorized to borrow money for any purpose for which they are now authorized to lay a tax, - - - - -	5
may appeal to the superior court, from the action of the town on, or neglect of, petition to alter or dissolve school districts, - - - - -	129
appeal, how to be taken, - - - - -	129
service and citation, - - - - -	129
hearing, - - - - -	180
court may appoint a committee, - - - - -	130
decree to be recorded in town records, - - - - -	180
costs, how allowed and taxed, - - - - -	180
districts may be consolidated into one by action of town, See, <i>Education</i> ; <i>Griswold</i> .	107
<i>School Fund</i> ; act relating to—	
commissioner authorized to invest Agric. College Fund and proceeds of bank stock, in bonds of this state, -	106
such bonds not to be transferable, - - - - -	106
<i>Sheep Culture</i> ; additions to act for the protection of—	
town clerks to pay over moneys received for the register of dogs, to the town treasurer, from time to time, -	54
penalty for refusal or neglect to pay over, or for fraudulently withholding money, - - - - -	54, 82
selectmen to post notices to owners and keepers of dogs not registered, - - - - -	63
penalty for neglect or refusal to kill, or to register dogs after notice, - - - - -	64
forfeiture for neglect to post notices, - - - - -	64
fees for registering dogs, - - - - -	64
repeal of previous provisions,—not to affect collection of taxes already levied - - - - -	64

<i>Sheriff, or deputy, may not be county commissioner, - -</i>	34
<i>Sheriffs; fees of, for attending court, - - - -</i>	52
for travel to serve process, - - - -	52
<i>Spirituuous Liquors. See Intoxicating Liquors.</i>	
<i>State's Attorney; duty of, to prosecute violations of law by agents of foreign insurance companies, - - - -</i>	84
<i>State Bonds; act authorizing the further issue of \$3,000,000, payable in twenty years, with interest at six per cent., -</i>	82
treasurer to cause bonds to be prepared, and to sell the same, with approval of the governor, - - - -	82
may reject bids, or portions thereof, as the interest of the state requires, - - - -	83
may not be sold at less than the par value, - - - -	83
to be free from state and municipal taxation, - - - -	131
faith of the state pledged for redemption of bonds and payment of interest, - - - -	63
<i>State House; act authorizing the city of Hartford to build a act authorizing the city of New Haven to build a -</i>	54
<i>State Librarian; to publish in his report the number of divorces granted, - - - -</i>	62
<i>State Normal School; repeal of provision making the principal of the Normal School ex-officio superintendent of common schools, - - - -</i>	124
board of education may limit number of scholars in primary school, or discontinue it, - - - -	124
may make regulations for examination of candidates for admission, - - - -	124
<i>State Officers and Treasury Department; addition to act concerning—</i>	
term of office of notary public to expire two years from and after the fourth day of July in the year in which he may be commissioned, - - - -	26
See <i>State Printing.</i>	
<i>State Printing, to be done under the direction of the comptroller, comptroller's report to include a statement of the items of printing, with the cost, - - - -</i>	52
act to take effect, January, 1st, 1866, - - - -	53
<i>State Prison; act relating to discharges from—</i>	
notice to be given to state's attorney of petitions for discharge from, - - - -	39, 40
duty of state's attorney to appear and defend, - - - -	40
compensation of state's attorney, - - - -	40
fees of witnesses summoned in behalf of the state, - - - -	40
<i>State Reform School; fixing the rate of board of persons committed to - - - -</i>	79, 80
<i>State Treasurer; fixing the salary of, - - - -</i>	128
<i>Statutes. See General Statutes, Secretary of State.</i>	
<i>Sureties on Probate Bonds; act for the protection of, - -</i>	67
See <i>Probate Court, of.</i>	

<i>Taxes ; additions to act relating to the assessment and collection of—</i>	
money at interest, secured by mortgage on real estate, to be taxed only where land is situated, provided the debtor resides in the town or district, -	86, 87
<i>railroad and horse railroad companies, to make annual returns to the comptroller, -</i>	116
to pay annual tax of one per cent. of market value of stock, 116, 117	
to be in lieu of all other taxes, -	117
when railroad lies partly without the state, the tax to be reduced proportionally, -	117
parties in possession of, or operating railroads, as trustees, &c., to be liable for the tax, -	117
<i>telegraph companies, secretaries, treasurers, superintendents or managers of, to make annual returns of the gross amount of receipts, -</i>	117
to pay annual tax of two per cent. on gross amount of receipts for messages, -	117
to be in lieu of all other taxes, -	118
other <i>chartered corporations, except savings banks, to make annual returns of value of stock, &c., -</i>	118
to pay annual tax of one-quarter of one per cent. on market value of stock, -	118
stock or property not hereby exempted from other taxation, 118	
<i>mutual insurance companies, to make annual returns of cash capital, -</i>	118
to pay annual tax of one per cent. on capital, -	119
to be in lieu of all other taxes, -	119
<i>express companies, to make annual returns of gross receipts, to pay annual tax of two per cent. of gross amount of express charges -</i>	119
to be in lieu of all other taxes, -	119
failing to make returns, -	119
lists and statements, to be corrected, -	119
<i>board of equalization, to examine and amend lists and statements, returned to the comptroller, -</i>	119
to make lists and statements, when the parties required neglect to make returns, -	120
their decision to be final and conclusive, -	120
forfeiture for neglect to make returns to comptroller, -	120
for neglect to pay required tax to the treasurer, -	120
how recoverable, -	120
repeal of provisions inconsistent with this act, -	120
stock of <i>national banking associations to be taxed in same manner as stock of state banks, -</i>	139
cashiers to make return to assessors, -	139
when a person liable to taxation neglects to make and return his list, a list shall be made by the assessors, -	139
ten per cent. to be added to such list, -	139
See <i>Corporations. Hartford.</i>	

<i>Telegraph Companies</i> ; annual tax to be paid by	- -	117
See <i>Taxes</i> .		
<i>Tenants in Common</i> . See <i>Partition</i> .		
<i>Threatening Letter</i> ; with intent to intimidate, penalty for writing,		81
<i>Towns</i> ; act to authorize towns to make an appropriation of money		
to erect monuments to the memory of soldiers and sea-		
men who have died in the late war against the govern-		
ment of the United States,	- - -	23
action of, in the issue of obligations for payment of boun-		
ties to volunteers, confirmed,	- - -	25
authorized to issue bonds for discharge or funding of debts		
contracted for war purposes,	- - -	75
authorized to make appropriations to volunteers, or persons		
procuring substitutes, who have not heretofore received		
aid,	- - -	136
may borrow money,	- - -	136
former action of, in certain cases confirmed,	- - -	136
See <i>Griswold. Guide Posts. Meriden. New Haven. Selectmen.</i>		
<i>Truant Children</i> .		
<i>Town Clerks</i> ;		
to pay over moneys received for the dog tax and registry to		
the town treasury, from time to time,	- - -	54, 82
penalty for neglect,	- - -	82
fees of, for registering and numbering dogs,	- - -	64
fees of, for recording release of attachments,	- - -	108
<i>Town Meetings</i> , notices of, to be written or printed,	- - -	4
act relating to—		
ballot boxes for election of town officers to remain open		
for three hours,	- - -	76
<i>Town Officers</i> . See <i>Town Meetings</i> .		
<i>Treasurer</i> . See <i>State Treasurer</i> ; <i>State Bonds</i> .		
<i>Trees</i> ; penalty for injuring or destroying, on the land of another,		
or in highways,	- - -	38
<i>Truant Children, Vagrants and Absentees from School</i> ; act con-		
cerning—		
towns authorized to make and enforce by-laws respecting,		58
by-laws, subject to approval by the superior court,	- - -	58
penalties not to exceed twenty dollars,	- - -	58
minor convicted under this act may be committed to house		
of reformation or other suitable situation,	- - -	58
who may prosecute,	- - -	58
warrants, before whom returnable,	- - -	58
compensation of justice or judge,	- - -	58
<i>Vagrants</i> . See <i>Truant Children</i> .		
<i>Volunteers</i> ; repeal of act of 1864, authorizing recruiting in states		
in rebellion,	- - -	63
See <i>Bounties to Volunteers</i> .		

INDEX.	169
<i>Watch, or Night Patrol</i> ; volunteer force may be organized for,	
by selectmen, - - - - -	133
may arrest suspicious persons, without warrant, -	133
<i>Wharves and Piers</i> ; act to protect—	
penalty for depositing ballast, rubbish, &c., near public -	70
this act not to impair rights heretofore granted, -	70
<i>Writs</i> ; to abate, if served by an officer who has not given bond,	69

Ex J. E. A.
12/21/12

